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Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, April 2, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. ALEXANDER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
March 30, 1984.

I hereby designate the Honorable BILL ALEXANDER to act as Speaker pro tempore on Monday, April 2, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Dr. Stanley M. Wagner, rabbi, Beth ha Medrosh Hagodol Congregation, Denver, Colo., offered the following prayer:

Our God and God of our Fathers:

With grateful hearts for the privilege of meeting together as free men in a free land, do we invoke Thy blessings upon this gathering of the distinguished leaders of our country.

Heavenly Father, shed Thy light of wisdom and understanding upon their deliberations. Bless them with good health, discernment, and vision, thereby enabling them to cope successfully with the manifold problems with which they are confronted.

Bless Thou our glorious land of liberty and our citizens everywhere. May the United States of America under God remain a citadel of freedom and a watchtower from which rays of light and hope shall be beamed to those who are now living in darkness and despair. Hasten the day when the millenial hope of universal peace will prevail throughout the world with justice and freedom for all people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3635. An act to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested.

S. 1132. An act to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures;

S. 1546. An act to amend the Deepwater Port Act of 1974, and for other purposes; and

S. 2391. An act to amend title 38, United States Code, to provide emergency interim solvency for the Veterans' Administration's Loan Guaranty Fund by providing for the deposit of loan fees in the Fund and by increasing the fees.

RABBI DR. STANLEY M. WAGNER

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Dr. Stanley M. Wagner is rabbi of the Beth ha Medrosh Hagodol (B.M.H.) congregation in Denver, Colo., and professor of Judaic studies and director of the Center for Judaic Studies at the University of Denver. He also serves as chaplain of the Colorado State Senate, the first and only rabbi ever appointed to that position, and as director of Colorado's Mizel Museum of Judaica.

Rabbi Wagner is a religious leader of national renown who came to Denver in September 1972, after serving for 2 years as national executive vice president of the Religious Zionists of America, a role which catapulted him to key positions on the national and international Jewish scene, in such organizations as the American Zionist Organization, Conference of Presidents of Major Jewish Organizations, and the American Conference for Soviet Jewry. In 1979, Rabbi Wagner was awarded "Life Tenure" by his congregation "in recognition of his significant contributions to Jewish life and to the community."

Ordained at the Yeshiva University's Rabbinical Seminary, Rabbi Wagner holds five other degrees of higher learning from this institution, including a doctorate in Jewish history. He served as an instructor for 4 years in the Department of Ancient Languages and Literatures at the University of Kentucky while holding a pulpit in Lexington, and was appointed instructor in histo.. at Hofstra University in New York serving as rabbi of the Baldwin Jewish Center in Long Island. He has delivered a number of scholarly papers at conferences of the American Association of Professors of Hebrew, the Society of Biblical Literature and Exegesis, the National Foreign Language Conference, and the Congress on Science and Ethics, and he has spoken as guest lecturer and "Scholar In Residence" in communities from coast to coast.

Dr. Wagner has been cited by the Bonds of Israel, United Jewish Appeal, Federation of Jewish Philanthropies, Jewish National Fund, ORT, and Yeshiva University, and he was the recipient of the Shofar Award from the Boy Scouts of America. He is listed in "Who's Who in World Jewry" (1972), "Who's Who in Religion" (1977), and "Who's Who in American Jewry" (1980). He served as president of the Long Island Commission of Orthodox Rabbis and the Nassau-Suffolk Association of Rabbis, vice president of the Rabbinic Alumni of Yeshiva University, chairman of the Rabbinic Advisory Council of the Jewish National Fund, panelist in the American Arbitration Association, director of the Judaic Program at Camp B'nai B'rith, resi-

dent scholar for seven summers at B'nai B'rith Youth's International Leadership Trainee program, and he currently serves as a member of the National Adult Jewish Education Commission of B'nai B'rith.

Rabbi Wagner is one of the few clergymen in America to have delivered invocations both at the U.S. Senate and House of Representatives. Dr. Wagner has written scholarly and popular articles in publications such as Congress Bi-Weekly, In Jewish Bookland, National Jewish Monthly, the Synagogue Light, and has had many of his sermons selected as the "year's best" and published by the Rabbinical Council of America. He has edited or written four significant volumes entitled "Great Confrontations in Jewish History," "Traditions of the American Jew," and "Great Schisms in Jewish History," published by the University of Denver, and "A Piece of My Mind," published by KTAV. President Jimmy Carter invited the rabbi to the White House in March 1978, to present "Traditions of the American Jew" to him, personally. Dr. Wagner is also general editor of a three-volume series on "Christian and Jewish Traditions in the 20th Century" to be published by Abingdon Press. The first volume, entitled "Scripture—Its Authority, Interpretation, and Relevance" appeared in September 1982. Rabbi Wagner has traveled extensively and has been to Israel 12 times on Government study grants and as leader of pilgrimages. In 1976, Dr. Wagner was sent on a mission to Russia where he met with the leaders of the Jewish communities in Moscow, Kiev, and Leningrad.

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

HARRY PORTER TOWER AT LOVELL FIELD

The Clerk called the bill (H.R. 2484) to designate the air traffic control tower at Lovell Field as the "Harry Porter Tower."

There being no objection, the Clerk read the bill, as follows:

H.R. 2484

A bill to designate the air traffic control tower at Lovell Field as the "Harry Porter Tower"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the air traffic control tower at Lovell Field in Chattanooga, Tennessee, is designated and shall hereafter be known as the "Harry Porter Tower". Any reference in a law, map, regulation, document, or other paper of the United States to such control tower shall be held and considered to refer to "Harry Porter Tower".

Mr. MINETA. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. The gentleman from California (Mr. MINETA) is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, the bill designates the air traffic control tower at Lovell Field as the "Harry Porter Tower" to honor one of the Nation's aviation pioneers. Harry Porter, known as the dean of Tennessee aviation, has been active in aviation as a pilot and a businessman. This is a fitting tribute for this gentleman. He began flying in 1923, over 60 years ago, making him one of the oldest active pilots in America. Harry Porter has become known as the dean of aviation in Chattanooga and throughout Tennessee and has been awarded many aviation honors, including the Amelia Earhart Medal. During his aviation career, he has been an instructor, an FAA inspector, and a businessman. He was involved in business at Lovell Field between 1932 and 1967, and he has continued into his 90th year to be active as an adviser and consultant to the airport.

Mr. Speaker, I urge that the bill be adopted.

Mr. Speaker, at this point I am very pleased to yield to our very fine colleague, the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2484, which designates the air traffic control tower at Lovell Field in Chattanooga, Tenn., as the "Harry Porter Tower."

Harry Porter is one of the oldest licensed pilots in the Nation and has been flying since 1923. Since that first flight, he has had a unique and varied career and has become a symbol of aviation history to the people of Chattanooga. Mr. Porter served as a flight instructor in World War II, training thousands of pilots to fly military aircraft during that period. Later he served as an inspector for the FAA and at one point even worked for the Internal Revenue Service, locating stills hidden in the woods.

It is appropriate that the air traffic control tower at Lovell Field be named after Harry Porter since so much of his life has been spent at this aviation facility. He operated his own business at Lovell Field from 1932, when the field opened, until 1967, when he sold his firm. He still maintains an office there as well as a position as adviser and consultant to the present owners.

Harry Porter has had a distinguished career and has been awarded many honors including the coveted Amelia Earhart Medal. He will soon be celebrating his 90th birthday in Chattanooga where he still resides with his wife, Eunice. His 89th birthday has not stopped him though. He regularly flies about 5 hours a week. I look forward to my visits to his facilities where a warm welcome and a word of encouragement greets me.

In view of his accomplishments in the field of aviation, and his contribution to aviation I think it only right that we name the air traffic control tower at Lovell Field after Harry Porter and I urge my colleagues to support this measure.

Mr. MINETA. Mr. Speaker, I urge the bill be adopted.

● Mr. HOWARD. Mr. Speaker, I rise in support of this bill. This will honor one of Tennessee's and Chattanooga's aviation leaders, Harry Porter. It is a bill that has passed the Senate without objection, and we know of no objection in the House. The administration has also informed the committee that they have no objection.

I congratulate the distinguished gentlelady from Tennessee, Mrs. LLOYD, for introducing the bill and bringing Mr. Porter's achievements to our attention.

Again, I urge passage of this bill. It is a well-deserved recognition for one of the Nation's great aviators.●

● Mr. SNYDER. Mr. Speaker, I join my colleagues in supporting H.R. 2484 which would redesignate the air traffic control tower at Lovell Field in Chattanooga, Tenn., as the "Harry Porter Tower."

Harry Porter, who began flying in 1923, is one of the oldest active pilots in the United States, who not only served his country in World War I, but again in World War II when he trained many of our military pilots. During his notable career, he also served as an FAA inspector and has been awarded many honors, including the Amelia Earhart Medal for his major contributions to aviation.

Lovell Field in Chattanooga is the fourth largest commercial facility in the State of Tennessee and, in light of Mr. Porter's continuous presence there for over 50 years, it would be most fitting if the airport tower was renamed in his honor. In addition, the city commission of Chattanooga has unanimously requested that this honor be bestowed on Mr. Porter.

As is the usual practice with legislation of this nature, H.R. 2484 includes language which will assure that the FAA will not be required to change any air traffic control procedures or republish any aeronautical information which refers to the tower as the Chattanooga Tower.

For these reasons, I urge my colleagues to support H.R. 2484.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2484, which would designate the air traffic control tower at Lovell Field in Chattanooga, Tenn., as the "Harry Porter Control Tower."

Harry Porter started out his flying career in a World War I Jenny and

spent his early days barnstorming through the Southeast as a stunt pilot. He served his country honorably in World War I and again during World War II as a flight instructor. In addition to his contributions to our military effort, he has had a most distinguished career in civil aviation, having founded the Harry Porter Flight Service in Chattanooga, where he was also an FAA inspector, flight instructor, and businessman.

Harry Porter has been an active pilot for over 60 years and is known as the Dean of Pilots in Chattanooga. In fact, the Federal Aviation Administration has confirmed that he is among the oldest pilots in America.

Mr. Speaker, H.R. 2484 is a tribute to a pioneer in this Nation's aviation history. I believe this bill deserves our support and join my colleagues on the Public Works and Transportation Committee in urging its passage.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 1365) entitled the "Harry Porter Control Tower," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the air traffic control tower at the Chattanooga Municipal Airport (Lovell Field) is designated and shall hereafter be known as the Harry Porter Control Tower. Any reference in a law, map, regulation, document, or other paper of the United States to such control tower shall be held and considered to refer to the "Harry Porter Control Tower".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2484) was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE JOHN G. FARY TOWER AT MIDWAY AIRPORT, CHICAGO

The Clerk called the bill (H.R. 4202) to designate the air traffic control tower at Midway Airport, Chicago, as the "John G. Fary Tower."

There being no objection, the Clerk read the bill, as follows:

H.R. 4202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the air traffic control tower at Midway Airport, Chicago, Illinois, is designated and shall hereafter be known as the "John G. Fary Tower". Any reference in a law, map, regulation, document, or other paper of the United States to such control tower shall be held and considered to refer to the "John G. Fary Tower".

Mr. MINETA. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. The gentleman from California (Mr. MINETA) is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, the bill designates the air traffic control tower at Midway Airport as the "John G. Fary Tower" to honor a former Member of the House of Representatives, the Committee on Public Works and Transportation, and the Subcommittee on Aviation.

John G. Fary was instrumental in the reopening of the Midway Airport to commercial airline service. His efforts resulted in the institution of convenient, efficient air service to the citizens of Chicago, as well as citizens all around the country traveling to Chicago.

John G. Fary deserves this honor for his efforts with regard to Midway Airport, as well as for his active and dedicated role in numerous important pieces of aviation legislation.

Mr. Speaker, I urge that the bill be adopted.

● Mr. ANNUNZIO. Mr. Speaker, I rise today in strong support for H.R. 4202, a bill to designate the air traffic control tower at Midway Airport in Chicago, as the "John G. Fary Tower."

The Honorable John G. Fary represented the Fifth Congressional District of Illinois with distinction from 1975 until 1982. During his service in the Congress of the United States, he was assigned to the Public Works Committee, where he achieved the chairmanship of the Subcommittee on Public Buildings and Grounds and gave able and inspired leadership in this capacity. He also served as a member of the Subcommittee on Surface Transportation.

It is fitting that the control tower at Midway be named the John G. Fary Tower for it was largely through his efforts as a member of the House Public Works and Transportation Committee that the revitalization of Midway Airport took place and flights were restored at Midway between Washington and Chicago.

Therefore, I urge the support of my colleagues for H.R. 4202 as a much-deserved tribute to John G. Fary, a truly dedicated public servant and outstanding citizen of our country.●

● Mr. HOWARD. Mr. Speaker, it is truly a great honor for me to rise in support of this bill to designate the air traffic control tower at Midway Airport the "John Fary Tower." Naming the tower at Midway after him is a most fitting tribute to this former Member. In our committee John Fary was known as the father of Midway Airport. His tenacious efforts to revitalize and bring commercial air service to Midway Airport were successful and a great service to his constituents and aviation.

I urge the Members to pass this bill honoring our former colleague.●

● Mr. SNYDER. Mr. Speaker, I also want to express my support for H.R. 4202, which would redesignate the air traffic control tower at Midway Airport in Chicago as the "John G. Fary Tower."

As my colleagues are well aware, John Fary ably represented the Fifth District of Illinois from 1975 until 1982 and was a respected and hard-working member of this committee. As the former ranking minority member on the Aviation Subcommittee, I remember John Fary's great interest and support for the revitalization of Midway Airport as a viable alternative to Chicago's O'Hare Field. Today, Midway Airport is the second largest commercial facility in the State of Illinois and in calendar year 1982, enplaned over 650,000 people. In addition, Midway Airlines, a very successful new entrant carrier, uses the airport as its primary hub for flights along its route system.

Mr. Speaker, without the hard work and perseverance of John G. Fary, I do not believe that Midway Airport would be the successful facility it is today. I think the people of Chicago have benefited greatly as a result of his efforts and I think it is quite fitting that the airport traffic control tower be redesignated in his honor.

In accordance with our usual procedure, the adoption of H.R. 4202 will not require the FAA to change its air traffic control procedures for any references to Midway tower now contained in published aeronautical material.

For these reasons, I would urge my colleagues to support this legislation.●

● Mr. LIPINSKI. Mr. Speaker, I rise in support of the legislation introduced by the gentleman from Minnesota (Mr. STANGELAND). This legislation will name the air traffic control tower at Midway Airport, in Chicago, Ill., the "John G. Fary Tower." This legislation will enable the Congress to honor the former Representative from the Fifth Congressional District in Illinois, John Fary. John served in Congress

from 1975 to 1982. He was a member of the Public Works and Transportation Committee, and was chairman of the Public Buildings and Grounds Subcommittee.

I succeeded John in Congress and also serve on the Public Works Committee. I have seen and heard the warmth and affection that John's former colleagues had for him. They have told me of his friendly behavior, generous ways, and of his strong loyalty to his fellow committee members and the Democratic Party.

To designate the air traffic control tower at Midway Airport will be of special significance to John. While a Congressman, John made one of his main goals the revitalization of Midway Airport. He aided this cause with his membership on the Aviation Subcommittee. It is fitting that the Congress honor John in this manner. I urge my colleagues to support this legislation.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 4202, a bill which would designate the air traffic control tower at Midway Airport as the "John G. Fary Tower."

As my colleagues are well aware, John G. Fary served with distinction in this body from July 1975 until January 1983. He served on the Public Works and Transportation Committee since 1975 and became chairman of the Public Buildings and Grounds Subcommittee in 1981. He served as an articulate leader of that subcommittee for the duration of the 97th Congress.

Mr. Speaker, John Fary, a native of Chicago, Ill., served Chicago constituents with 7½ years of dedicated service. He was a vocal supporter of Midway Airport and was involved in the revitalization effort which resulted in Midway becoming once again an important air carrier hub. Accordingly, I believe that the renaming of the air traffic control tower at Chicago's Midway Airport is a fitting tribute to our former committee colleague and Member of this body.

For these reasons, I would like to join my colleagues on the Public Works and Transportation Committee in support of this legislation and urge its passage.●

● Mr. STANGELAND. Mr. Speaker, as author of this legislation, I strongly urge enactment of H.R. 4202, a bill to designate the air traffic control tower at Midway Airport in Chicago, Ill., as the "John G. Fary Tower."

Congressman John Fary was elected to the 94th Congress, by special election, on July 8, 1975. He served with distinction in this body until 1982. During his 7 years in the Congress, John became one of the most loyal and beloved Members of Congress.

Congressman John Fary served with admiration on the House Committee on Public Works and Transportation. He was a member of the Subcommittee on Aviation, and in that capacity, he doggedly and persistently kept the issue with government witnesses as to the need of reestablishing service, convenient service, into Midway Airport. Due to his efforts, Midway Airport is now open and air service to Chicago is now convenient to all persons traveling to Chicago.

Mr. Speaker, passage of this legislation, in my judgment, is one that perfectly meshes the honor with the individual being honored and the facility involved. This is a small tribute to pay to a devoted American, who always worked tirelessly in behalf of all people. John Fary truly earned that respect, admiration, and esteem of all Members of Congress.

I will miss his experience, wisdom, and friendship. The Congress of the United States has lost an able legislator, a great American, and above all, a warm, compassionate human being. The people of Chicago, as well as the Nation, can be justifiably proud of the accomplishments of Congressman John Fary. We all wish John and Mrs. Fary many years of happiness in their well-earned retirement.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1210

THE WILLIAM A. BARRETT SOCIAL SECURITY BUILDING IN PHILADELPHIA AND THE EDWIN B. FORSYTHE POST OFFICE BUILDING IN MOORESTOWN, N.J.

The SPEAKER pro tempore. The Clerk called the bill (H.R. 4665) to name the social security building in Philadelphia, Pa., known as the Mid-Atlantic Program Service Center, as the "William A. Barrett Social Security Building," and to name the U.S. Post Office Building in Moorestown, N.J., as the "Edwin B. Forsythe Post Office Building."

There being no objection, the Clerk read the bill as follows:

H.R. 4665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the social security building located at 300 Spring Garden Street, Philadelphia, Pennsylvania, and known as the Mid-Atlantic Program Service Center shall hereafter be named and designated as the "William A. Barrett Social Security Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "William A. Barrett Social Security Building".

With the following committee amendment:

Page 2, after line 6, add the following:

SEC. 2. The United States Post Office Building located at 200 Chester Avenue, Moorestown, New Jersey, shall hereafter be known and designated as the "Edwin B. Forsythe Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Edwin B. Forsythe Post Office Building".

The committee amendment was agreed to.

● Mr. SNYDER. Mr. Speaker, the House lost the services of one of its most able and distinguished Members with the passing on Thursday of the Honorable Edwin B. Forsythe of New Jersey.

It was a measure of the great respect and admiration for this outstanding public servant and humanitarian that following his announcement that due to serious illness he would not seek reelection, the Committee on Public Works and Transportation voted unanimously to name the U.S. Post Office building in Congressman Ed Forsythe's hometown in his honor.

I believe that this would be an entirely appropriate tribute to my good friend and colleague for his outstanding career of public service to the State of New Jersey and the Nation, and I urge passage of H.R. 4665, which would designate the U.S. Post Office in Moorestown, N.J., as the "Edwin B. Forsythe Post Office Building."

Ed Forsythe was already an experienced public servant when he came to Congress. He literally had done it all, starting as a member of the Moorestown Board of Adjustment, and moving on to become mayor of Moorestown; a member of the New Jersey Senate, where he served terms as minority leader, president, and president pro tempore; and Acting Governor of New Jersey in 1968.

I had the pleasure of serving with Ed Forsythe from the time he came to Congress in 1970 and to work closely with him on the Committee on Merchant Marine and Fisheries, which he joined in 1972. I shall greatly miss his wise counsel and friendship.

Congressman Forsythe became the ranking minority member of the Fisheries and Wildlife Conservation and the Environment Subcommittee in 1975 and succeeded me as ranking minority member of the full committee at the start of the 98th Congress.

Prior to this Congress, he had also served on the Committee on Science and Technology and was a member of the Select Committee on the Outer

Continental Shelf, serving as ranking minority member of that select committee at its end.

Throughout his remarkable career in this body, Ed was a mover and doer in a quietly efficient manner. However, if his style and technique for getting things done did not instantly attract a great deal of public attention, his quiet determination and commitment to those issues he championed, especially environmental protection, was legendary, and his effectiveness a matter of record.

His leadership was crucial in the enactment of the National Environmental Protection Act, Non-Game Fish and Wildlife Act, Alaskan Land Act, Marine Mammal Protection Act, Endangered Species Act, and the 200-mile limit offshore fishing law.

He received many awards and recognitions, including the Legislator of the Year Award presented to him in 1980 by the National Wildlife Federation for his outstanding contribution to the wise use and management of the Nation's natural resources.

Congressman Ed Forsythe was held in the highest esteem both in and out of the Halls of Congress, and approval of the bill before us today would be a most fitting tribute to his memory and his many good works. Accordingly, I urge my House colleagues to give H.R. 4665 swift approval.●

● Mr. HOWARD. Mr. Speaker, it is with an enormous sense of loss and regret that I propose the naming of the post office in Moorestown, N.J., as the Edwin B. Forsythe Post Office Building. I wish to convey my condolences to his family. I regret that we were unable to honor my friend and colleague before his passing last week.

For the 14 years that Ed Forsythe served in Congress, we represented adjacent districts. We both represented seashore districts and we had concerns about many of the same issues. With his position on the Committee on Merchant Marine and Fisheries and mine on the Committee on Public Works and Transportation, we were able to work closely together.

Ed Forsythe was no flamboyant showman but he was truly a gentleman. In his distinctively quiet way, he effectively represented the interests of his constituents in New Jersey. He was able to leave a significant imprint on much of the environmental legislation, especially bills dealing with wildlife, during his time in Congress.

He played a significant role in establishing the 200-mile fishing limit, and he worked long and hard on such legislation as the Endangered Species Act, the National Environmental Protection Act, and the Marine Mammal Protection Act. At the time he died, Ed Forsythe was involved in several important initiatives, including the fish and wildlife conservation fund and the effort to phase out ocean dumping of sewage sludge.

Ed was an extremely principled Member of Congress. He was a member of the other party and we had conflicting views on many subjects. However, there is no question that he always voted his conscience. Ed was no rubberstamp for any party or any point of view and his voting record demonstrates that fact.

Even before he arrived in Congress in 1970, Ed had a long and distinguished career in local government dating back to 1948, when he served as secretary to the Moorestown Board of Adjustment. Following that, he was elected to the Moorestown Township Committee. He served as mayor for 5 years and later served as chairman of the township planning board.

Ed served 7 years in the State senate, serving as minority leader and as senate president before being elected to Congress.

Under these circumstances, it is certainly appropriate that we name the post office in Ed Forsythe's hometown after him. It is a small tribute to a gentleman of distinction that we take this action today. Ed Forsythe deserves to be remembered for his contributions in Congress, for his service to his constituents, and for being a truly fine human being. As a colleague of his from New Jersey, I can say that he will truly be missed.●

● Mr. YOUNG of Missouri. Mr. Speaker, the purpose of section 1 of H.R. 4665 is to memoralize Congressman William A. Barrett. He died while serving in the U.S. House of Representatives on April 12, 1976, at age 79. William Barrett was born in Philadelphia, Pa., and graduated from Brown Preparatory School and St. Joseph's College in Philadelphia.

He was first elected to the 79th Congress (January 3, 1945 to January 3, 1947), was again elected to the U.S. House of Representatives for the 81st Congress and was reelected to the 12 succeeding Congresses. He served on the Committee on Banking, Currency and Housing with distinction for 24 years, and was chairman of the Subcommittee on Housing and Urban Development from 1956 until his death. During his tenure, he also served on the Committee on Merchant Marine and Fisheries and the Joint Committee on Defense Production.

This legislation honors an outstanding American who served with distinction and dedication in this body into his 15th term. William Barrett was a man who always served the people, and his long record in this body indicates clearly the contribution he made for all people in the fields of social welfare, housing, and urban development. He worked hard and successfully to use the vast resources of the Federal Government to serve the most in need and to correct injustice. Every evening, after the business of the House was completed, William Barrett traveled back to Philadelphia to meet personally with his constituents and to help resolve their problems.

In view of his distinguished service to the First Congressional District of Pennsylvania and to the Nation, it is fitting that the Social Security Administration's Mid-Atlantic Program Service Center Building at 300 Spring Garden Street, Philadelphia, Pa., be known as the "William A. Barrett Social Security Building."

Section 2 of H.R. 4665 honors a distinguished American, the Honorable Edwin B. Forsythe, who died of cancer at his home in Moorestown, N.J., on March 29, 1984. He was serving his 14th year in Congress.

Congressman Edwin B. Forsythe was born in Westtown, Pa., on January 17, 1916. He attended public schools in Medford and Mount Holly, N.J., later graduating from Westtown School in Westtown, Pa.

His wife, Mary, resides in Moorestown. A married daughter, Susan, lives in Swathmore, Pa., with her husband and two children.

Congressman Forsythe is a former small businessman who began his government career in 1948 as secretary of the Moorestown Board of Adjustment. He was elected to the Township Committee in 1953 and served as mayor from 1957 to 1962, when he became chairman of the Township Planning Board, a post he held through 1963. He was elected to the New Jersey State Senate in 1963, a position he held until his election to Congress in 1971. In the New Jersey Senate, Congressman Forsythe served as assistant majority leader, minority leader, senate president, and Acting Governor in 1968. One of his chief accomplishments in the senate was sponsorship and passage of legislation creating the statewide grand jury which, for the first time, gave State law enforcement officials the tools to adequately pursue and prosecute organized crime and official corruption.

He was first elected to Congress on November 2, 1970, to fill the expired term of William T. Cahill in the 91st Congress, and also to the 92d Congress, and has been reelected to each succeeding Congress and was the senior Member of the New Jersey Republican congressional delegation.

Congressman Edwin B. Forsythe was ranking minority member of the House Merchant Marine and Fisheries Committee. In that influential leadership position, Mr. Forsythe commanded respect and was held in high esteem by his colleagues in the U.S. House of Representatives for development and oversight of legislation affecting U.S. maritime policy, the Coast Guard, the Panama Canal, the Outer Continental Shelf, fisheries, and wildlife. He also

served as ranking minority member of the subcommittee on Fisheries and Wildlife Conservation, and the Environment where, since 1975, he demonstrated his effectiveness in fashioning workable legislation in the areas of fisheries development and protection, wildlife management and conservation, and environmental protection.

Congressman Forsythe was a prime sponsor of the 200-mile-limit offshore fishing law enacted in 1976, and has played a critical role in such important national legislation as the National Environmental Protection Act, the Non-Game Fish and Wildlife Act, the Alaskan Land Act, the Endangered Species Act, and the Marine Mammal Protection Act.

He was instrumental in efforts to preserve the Pinelands, to implement effective and fair international management of the bluefin tuna, and to resolve the dumping of sludge in the Atlantic Ocean.

His marks of leadership shall remain indelibly on those committees' records, and his positive influence on the legislation produced by those bodies shall have a profound influence on the day-to-day lives of millions of Americans.

New Jersey and the Nation have every reason to be proud of what he has achieved during his 14 years of devoted service here in the House of Representatives, which should be an inspiration to all those who follow after. The State of New Jersey and this Nation have lost a distinguished leader, legislator, and a warm, friendly human being. He will be sorely missed by the State of New Jersey and colleagues in the Congress.

In view of his long and distinguished career, and in view of his many years of outstanding service to the people of the 13th Congressional District of New Jersey, and to the Nation, it is fitting and proper that the U.S. Post Office building located at 200 Chester Avenue, Moorestown, N.J., be named in his honor as the "Edwin B. Forsythe Post Office Building."●

● Mr. SHAW. Mr. Speaker, I rise in support of the bill H.R. 4665, as amended by the Public Works and Transportation Committee, which designates the Mid-Atlantic Program Service Center in Philadelphia, Pa., as the "William A. Barrett Social Security Building" and the U.S. Post Office building in Moorestown, N.J., as the "Edwin B. Forsythe Post Office Building."

William Barrett served with distinction and dedication in this House for 24 years. During his tenure his most outstanding achievements were made during his service as chairman of the Subcommittee on Housing and Urban Development of the powerful Committee on Banking, Currency, and Housing.

His long record, particularly in the fields of social welfare, housing, and urban development, clearly reflects the contributions he made for people in all walks of life. At this time, it is only fitting that we designate the Mid-Atlantic Program Service Center in his hometown of Philadelphia in his honor.

Mr. Speaker, section 2 of the bill honors our respected colleague, the Honorable Edwin B. Forsythe, who passed away late last week. I was deeply saddened by his death and by the loss in this body of an outstanding Member.

Knowing as we did of Congressman Forsythe's terminal illness, I had hoped that the House could act on H.R. 4665 before his death, but time proved to be too short. The bill received unanimous and expeditious action by the Committee on Public Works and Transportation, which was an expression of the high esteem in which our Members held the gentleman from New Jersey.

I had the good fortune to work with Ed Forsythe on the Committee on Merchant Marine and Fisheries, which he so ably served as ranking minority member. He was a dedicated, hard-working Member, respected by and respectful of his committee colleagues. He was always extremely helpful to me, and I greatly respected his wisdom and his counsel.

Ed Forsythe had extensive experience in local and State Government before he started his congressional career in 1970. From the mayoralty of Moorestown, N.J., he moved to the New Jersey Senate, where he served as minority leader and president of that body, and eventually served as Acting Governor of the State in 1968.

As a Member of Congress, Ed Forsythe moved quickly to become one of this body's most respected voices in support of environmental protection, wildlife management and conservation, fisheries development and protection, and the conservation of the coastal resources of the United States.

He was a moving force behind the enactment of major legislation in these areas, including the National Environmental Protection Act, the Non-Game Fish and Wildlife Act, Marine Mammal Protection Act, and the Endangered Species Act.

Such was his commitment to sound preservation policies affecting fish and wildlife, that even as he assumed the duties of ranking minority member of the full Committee on Merchant Marine and Fisheries at the start of this Congress, he retained his ranking minority membership of the Fisheries and Wildlife Conservation and the Environment Subcommittee, which he had held since 1975.

We share, with his family, friends, and the Nation the sorrowful loss of Congressman Forsythe, and I am pleased that we might pay tribute to him in this small way by designating the U.S. Post Office building in Moorestown, N.J., as the "Edwin B. Forsythe Post Office Building."●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to name the social security building in Philadelphia, Pennsylvania, known as the Mid-Atlantic Program Service Center, as the 'William A. Barrett Social Security Building', and to name the United States Post Office Building in Moorestown, New Jersey, as the 'Edwin B. Forsythe Post Office Building'.".

A motion to reconsider was laid on the table.

THE "BYRON G. ROGERS FEDERAL BUILDING AND U.S. COURTHOUSE" IN DENVER, COLO.

The Clerk called the bill (H.R. 4700) to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, Colo., as the "Byron G. Rogers Federal Building and U.S. Courthouse".

There being no objection, the Clerk read the bill, as follows:

H.R. 4700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembeld, That the Federal Building and United States Courthouse at 1961 Stout Street, in Denver, Colorado, shall hereafter be known and designated as the "Byron G. Rogers Federal Building and United States Courthouse". Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Byron G. Rogers Federal Building and United States Courthouse".

● Mr. HOWARD. Mr. Speaker, H.R. 4700 designates the Federal Building and U.S. Courthouse at 1961 Stout Street in Denver, Colo., as the "Byron G. Rogers Federal Building and U.S. Courthouse".

This legislation honors an outstanding American who served with distinction and dedication in this body for 20 years, commencing on November 7, 1950. Byron Rogers was a man who always had the national viewpoint, and his long record of service both in the Colorado Legislature and here in this body indicated quite clearly the contribution he made to all Americans. During his tenure in the Congress, he pursued his concern for justice as a member of the House Judiciary Committee. He was a staunch supporter of civil rights and was successful in bringing about meaningful legislation in this field as a member of the House Committee on Civil Rights.

Mr. Speaker, I urge that H.R. 4700 be adopted.●

● Mr. YOUNG of Missouri. Mr. Speaker, the purpose of this legislation is to memorialize Congressman

Byron G. Rogers, a Denver Democrat who represented Colorado's First Congressional District for 20 years.

Congressman Byron G. Rogers was born in Hunt County, Tex., on August 1, 1900. He served in the U.S. Army during World War I, was a victim of the influenza epidemic, developed tuberculosis, and moved to Denver, Colo.. to recover. He received his LL.B. degree from the University of Denver in 1925. Subsequently, he practiced law in Las Animas, Colo.

Congressman Byron G. Rogers was elected county attorney of Bent County, Colo., in 1929 which was the beginning of a 41-year career in public office. He served in the Colorado House of Representatives from 1931 to 1935, and was speaker of the House in 1933. He was Assistant U.S. Attorney General for Colorado from 1934 to 1936, and, subsequently, he was appointed and elected Attorney General of Colorado; a position be held until 1938. He served as State chairman of the Democratic Central Committee of Colorado from 1941 to 1942, and served as county chairman of the Denver Democratic Central Committee from 1945 to 1950.

Byron G. Rogers was elected as a Democrat to the 82d Congress on November 7, 1950, and was reelected to the 83d, 84th, 85th, 86th, 87th, 88th, 89th, 90th, and 91st Congresses.

During his tenure in this House, Congressman Rogers served on the House Judiciary Committee. Upon his retirement from Congress, the chairman of the House Judiciary Committee praised him as a legislator who "in his unique, unassuming way, helped shepherd through Congress the kind of legislation which brought hope and light to millions of our citizens."

In addition, Congressman Rogers served on the House Committee on Civil Rights. He was a staunch supporter of civil rights, and the fights he fought were the precursors of today's battles. He logged many hours on civil rights issues and was commonly known as "Old Civil Rights Rogers".

During his two decades of service in Congress, Byron Rogers represented Denver with vigor and distinction in the U.S. House of Representatives. As Denver grew to become a major metropolitan city on the eastern slopes of the Colorado Rockies, Byron Rogers was cognizant of the associated Federal presence which would be required. He continually fought for Federal dollars and was responsible for the construction of the Federal Office Building and Courthouse, the Post Office Terminal Annex, the Air Force Accounting and Finance Center, and Chatfield Dam.

Byron Rogers was a man of unwavering principle and dedication, and he provided Coloradoans with the highest quality of representation in the Congress.

In view of his distinguished service to the city of Denver, and this Nation, it is fitting that the Federal Building and U.S. Courthouse at 1961 Stout Street, in Denver, Colo., be known as the "Byron G. Rogers Federal Building and United States Courthouse".

Mr. Speaker, I urge adoption of H.R. 4700.●

● Mr. SHAW. Mr. Speaker, I rise in support of H.R. 4700 which would authorize the designation of the Federal Building and U.S. Courthouse in Denver, Colo., as the "Byron G. Rogers Federal Building and United States Courthouse".

Byron Rogers was a man dedicated to serving his fellow citizens. His career in public office spanned over four decades beginning in 1929 in Bent County, Colo., where he was elected county attorney. From there, he was elected to the Colorado House of Representatives where he served for 4 years, then moved on to serve as the Assistant U.S. Attorney General for Colorado and later the attorney general of Colorado.

In 1950, Byron Rogers was elected to the first of the 10 terms he was to serve in the U.S. House of Representatives. Congressman Rogers was a staunch supporter of the judiciary and civil rights and served on both the Judiciary and Civil Rights Committees. Because of his devotion to the civil rights issue, he became reverently known to all Members as "Old Civil Rights Rogers".

Mr. Speaker, designating the Federal Building and U.S. Post Office in Denver in honor of Byron Rogers is but one small way we can pay tribute to a man who dedicated his life to the citizens throughout the Nation and deserves our support. I urge my colleagues to join me in passing this bill.●

● Mr. STANGELAND. Mr. Speaker, as author of this legislation, I strongly urge enactment of H.R. 4700.

Briefly, when I came to this Congress 7 years ago, I was fortunate enough to have met Congressman Byron Rogers, who was affectionately known as "The Judge." Byron Rogers served with distinction from the city of Denver for 20 years. He had a long history of political activism and served in the Colorado House of Representatives from 1931 to 1935, before being elected to this body on November 7, 1950.

Congressman Rogers was a man of incredible integrity and intelligence, of commitment and capacity. He was held in high esteem by his colleagues on both sides of the aisle and enjoyed the overwhelming support of his constituents who appreciated his honesty, sincerity, and conscientious concern for their welfare. Byron Rogers loved this institution and continued to reside here for a good portion of the time after he left Congress in 1970 until his recent death.

During his tenure in Congress, he maintained a table down in the Longworth Cafeteria that I am advised that history says was begun by a former distinguished colleague, Mendel Rivers, and that you had an invitation to sit at that breakfast table. Byron Rogers took me under his wing and invited me to sit there and each time I came down for breakfast, the seat to the left was vacant and he always asked me to come up and sit to his left.

Judge Rogers was a Democrat and he took a Republican freshman Congressman under his wing and we talked politics and legislative matters here in the Congress. He was a wealth of knowledge and a delightful person.

Mr. Speaker, passage of this legislation will allow us to pay a small tribute to an outstanding man.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just passed, H.R. 4665 and H.R. 4700.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ENDING U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the President's letter officially announcing the end of U.S. participation in the multinational peacekeeping force in Lebanon will be well received here on Capitol Hill.

I think most Members of Congress felt our involvement in this ill-conceived mission was over when the marines were redeployed to the safety of U.S. ships offshore.

As this sad chapter in our military history closes, I hope the State Department has learned to never again commit American troops to a no-win situation like the one they faced in Beirut. Our marines should be commended for doing their best to carry out their orders under very difficult circumstances.

There was never a clear understanding of the mission in Beirut. The next time we commit troops, let us make sure the mission is properly defined and we send a large enough force to do the job.

The best thing the State Department can do now is stop trying to lay the blame on someone else and move forward to seek new initiatives for peace in the Middle East.

THE LATE HONORABLE JOE L. EVINS

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I am deeply saddened to report to the House that the former dean of the Tennessee delegation, the Honorable Joe L. Evins, passed away this weekend. Those of us privileged to serve with him know what an outstanding individual as well as Representative he was. He helped nurture the development of an entire generation of political leadership in the State of Tennessee. He was a dynamic and forceful member of the Appropriations Committee and had much to do with the shaping of legislative programs that laid the basis for economic growth in our State and in our Nation. He was a fine Christian gentleman and for 30 years he exemplified the finest qualities of leadership, compassion, and concern for his country, his State, and for the people who elected him to this body. Tennessee has indeed lost a loyal friend, and trusted servant, with his passing. All of us who knew Joe L. Evins have been touched by his unrelenting spirit to distinguish himself, and this Chamber with his service.

THE LATE HONORABLE JOE L. EVINS

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COOPER. Mr. Speaker, I am deeply saddened today to report that the former Congressman from Tennessee's Fourth District, the Honorable Joe L. Evins, passed away over the weekend. From his first election to Congress in 1946 until his retirement in 1977, Joe L. Evins represented his native State with complete dedication and commitment. His influence in Washington was a great benefit to Tennessee, and his standard of hard work and service for his constituents remains an example of excellence in public service.

Joe L. Evins was also highly respected as a national legislator. As the chairman of the House Small Business Committee for many years, he helped create the SBA and led countless efforts to keep America's small businesses thriving and rewarding for millions of entrepreneurs. Congressman Evins also conceived of numerous public works projects that are now crucial to the country's economy, including the construction of the Interstate System and many TVA dam projects.

Tennessee has lost an outstanding leader. His contributions to our country will be sorely missed.

AIDE RECALLS HOW EVINS MANEUVERED

(By Bill Keel)

When former Rep. Joe L. Evins left Capitol Hill in Washington for a visit to a federal agency or department, officials rolled out the red carpet and braced themselves.

He knew and they knew he controlled the purse strings. They also knew that when he moved, he had a purpose. Evins didn't waste time or motion.

One such visit occurred after passage of the Model Cities Act, which came within the jurisdiction of the independent offices subcommittee on appropriations. He headed for the Department of Housing and Urban Development and then-Secretary Robert Weaver.

Exuding charm and warmth and personality, he swept into Weaver's office.

"Now, Mr. Secretary," he said, "my home county of De Kalb is a prime candidate for the Model Cities program and I urge you to approve its application. You should have a rural county in your program and De Kalb would be ideal. It's a fine progressive county."

Secretary Weaver appeared somewhat puzzled, and I'm not sure at that time whether he had ever heard of Smithville and De Kalb County, Tennessee.

He promised to consider the application and—after a call or two from Evins—announced its approval. He also approved nearby Cookeville. And millions of dollars flowed into the 4th District as a result. Asked by reporters how De Kalb County got into the picture, Weaver said: "Well, she is small, but there are those who love her."

That was the secret of Evins' amazing success in channeling funds to his district and Tennessee. He leveraged his committee positions into instruments of power. He was at one time chairman of two appropriations subcommittees, the House Small Business Committee and the House administration staff, which included the Capitol police. He used this interlocking power base skillfully. For example, he initiated funding for five dams in Tennessee without their being included in any administration budget [Cordell Hull, Percy Priest, Tims Ford, Normandy and Columbia]. He just did it. He had the power.

But it would be wrong to say that he did not have a sense of national mission and national purpose. He did. He approved projects that created jobs and provided public facilities throughout the nation, and when he retired in 1976 congressman after congressman from the Northwest to the Mississippi Delta rose to tell what Joe Evins meant to their states.

He was a master at power escalation—and he taught his administrative assistants how to work with him as a team. One of these, Robert N. Moore Jr. of Franklin, recalls that the contacts would begin with a "light touch" call by the administrative assistants, then a "soft touch" by Evins, then a strong letter, stronger calls, hints of possible funding difficulties—until finally the objective was achieved. There was no Mission Impossible. That just took a little longer for Joe Evins.

He ruled his committees with a firm hand.

On one occasion, Caspar Weinberger, now secretary of defense, appeared before Evins as chairman of the Federal Trade Commission, which just happened to be the agency where Evins had a lot of friends and had worked when he first came to Washington.

One day at a hearing, Weinberger appeared alone.

"Where is your staff, Mr. Chairman?" Evins asked.

"I came alone," Weinberger responded. "That's the way we do it in California."

"Well, it's not the way we do it in Washington," Evins said. "We won't have a hearing until you get your staff here."

In a matter of minutes 18 FTC staffers appeared.

Evins commented recently that back in those days Weinberger was known as "Cap the Knife" because of his budget-cutting activities. Now, Evins said, "Cap the Knife" has become the largest "bureaucratic spender" in history as secretary of defense.

When Evins set his mind on a target, he was relentless in pursuit. He sheathed his power in charm—until he was pushed too far. He could be a tough and grueling cross-examiner in committee.

He had a steel-trap, computer-like mind. Things had to add up. Nothing happened accidentally. There was always a reason for a particular action. One Christmas somebody gave him a ham. He thought about that ham. He didn't know the donor and couldn't understand. In a couple of months, he looked up from his desk and tossed me a letter from a constituent wanting help with a federal problem. "That's where the ham came from," he said.

I once made the mistake of commenting in a book that he couldn't be fooled. He immediately decided that I had tried to fool him at some point. He wracked his brain to figure out why I said that. He finally decided that it went back to an incident involving an old bottle of bourbon that had been sitting in a closet in the office for months. He was not a drinking person and kept it for friends. One day he noticed that the level of the liquid had dropped in the bottle. He asked me about it.

"Well," I responded, "I guess the maid has been nipping."

He howled with laughter, in any event, he concluded that this incident was what I was referring to and that closed the case on Not Being Fooled. Except, that he told that story for years to our mutual friends, intimating that I was the culprit!

He also enjoyed telling about the constituent who wanted the mail route changed to serve his home. After a long, hard struggle, the Post Office agreed. Then the constituent wrote to Evins, saying he wasn't getting any mail and would Evins please get him a federal check so the postman would deliver something.

Evins did not like to put his staff on the spot.

Once, I asked him to have a staff meeting and urge that the staff work harder. He finally agreed. Then after we were all seated in the office he began telling each staff member how lovely and talented she was. "We have our beautiful blond receptionist, and she is very talented. We have our beautiful red-haired secretary, and she is very able. . . ." He never did get to the point.

But he had a priority list each day of objectives to be achieved. And he stuck to it. And the next day we would update the list and take it from there.

He and his wife—Miss Ann, the former Ann Smartt—complemented each other. They were opposites in personality but a perfect match. He was aggressive and dy-

namic and impatient. She was gentle and patient and serene. They both accepted those differences and accommodated them. If Miss Ann had not finished applying her makeup when Evins thought they should leave for an engagement, she would simply transfer the operation to the car. No problem!

Evins looked back with great pride on his project to help the World War I hero Sgt. Alvin York of Pall Mall, Tenn., to pay off a debt to the Internal Revenue Service. He formed a special committee that included Bobby Kennedy and Gary Cooper, the actor who played Sgt. York in the movie. They raised more than enough to pay off the $25,000 debt for the old war hero.

Evins was not mechanically inclined despite his legislative genius. He sometimes hit the wrong button when he received a telephone call.

He was the World's Most Impatient Man. We used to laugh about that title, and we decided at one point that it should be the title of a book about him.

On one occasion, he actually told me to write a five-minute speech on a matter then on the floor—and without pausing walked right around to another door to my office and asked: "Have you got it ready?"

A week ago he wrote a letter to an old friend, Bryan Jacques in Arlington, Va., in which he said:

"I'm eating well and my strength is returning. But sometimes an old car ceases to run well. It takes a lot of little repair jobs to keep it going—and I am a 1910 model."

Later in the week, he told his old friend Charles Gentry, a Church of Christ minister from Smithville, to pull a chair over by the bed at Vanderbilt Hospital for a talk.

He was serene and calm.

"Charlie," he said, "people don't realize how much pain I have had. I want to get away from all this suffering. I'm ready to go."

He had his way one last time.

(Bill Keel, a federal and political consultant, was administrative assistant to Rep. Joe Evins for 11 years.)

[From the Tennessean, Apr. 2, 1984]

LEGACY OF MR. JOE L. EVINS

The death of Mr. Joe L. Evins on Saturday removes from the scene one of Tennessee's most gifted and devoted public servants. He died after suffering a heart attack at the age of 73.

Mr. Evins was elected to represent the 4th congressional district in 1946 and served 30 years before retiring. He was a native of DeKalb County, and a graduate of Vanderbilt University and Cumberland Law School. Prior to being elected to Congress, he worked for the Federal Trade Commission.

Mr. Evin's contributions both to his congressional district and to the state are numerous. He was directly responsible for bringing hospitals, schools, airports, and highways into his district. He helped get the funding for the Veterans Administration Hospital in Nashville, and also helped create the Small Business Administration.

But Mr. Evins did not limit his concerns and his energy to Tennessee. During his congressional career, he has one persistent theme—"Building America." And, as a member of the Appropriations Committee and chairman of the Subcommittee on Public Works Appropriations, he had the ability to achieve that goal.

His voice and influence helped bring water projects to irrigate the West, helped bring energy to bolster industry in southern states, and facilitated the building of numerous health facilities throughout the nation.

He also was a great supporter of the national space program. Because of the persistent and imaginative assistance in the moon landing and the projects that proceeded it. Mr. Evins' name is engraved on a plaque on the moon.

Few members of Congress have been responsible for such a collection of national projects. And few persons have ever made such a permanent impact on this state. Mr. Evins fused his energy, skills, and knowledge with an absolute devotion to the state and the nation. His achievements are a legacy for which all Tennesseans may be proud.

CONSEQUENCES OF AFDC CUTS

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, the GAO report on the effect of the 1981 budget cuts in AFDC confirms what we have been told in congressional hearings for the last 2 years—these cuts have resulted in unwarranted pain and hardship for poor single mothers who are struggling to support their families. This report stands in sharp contrast to the ridiculous anecdotal statements from the administration that ignore the harsh reality of poverty in this country.

These budget cuts, which substantially reduced the amount of money an AFDC recipient could earn and still remain eligible for assistance, have resulted in 493,000 families losing AFDC. In most cases, this means not only the loss of income assistance but also of health care coverage through the medicaid program. Nearly 1,000,000 children were affected by these cuts.

The indepth study, conducted in Memphis, Dallas, Boston, Milwaukee, and Syracuse, shows that the cuts were directed at the working AFDC recipient. While in many cases it might have made more economic sense for these individuals to quit work, the study shows that they have remained in their jobs. These women want to work and achieve economic self-sufficiency. In so many cases, the assistance provided by AFDC meant at least a minimal standard of living for them and their families. These budget cuts have played a cruel joke on these families. In effect, these cuts say that it is the policy of this Government that these women and children live in poverty.

While these women have remained in the work force, the study shows that they have not been able to make up the loss of income assistance and medicaid coverage. The average monthly income loss for working single parent families who lost AFDC eligibility was $186 in Memphis, $229 in Dallas, $180 in Milwaukee, $151 in Syracuse, and $115 in Boston. For many of these families, the AFDC income loss coincided with the loss of food stamp eligibility because of tightened eligibility in that program.

Lack of health coverage was common among these former AFDC recipients. In Dallas, 59.2 percent of those families who lost AFDC did not have any health coverage. In Memphis, 45 percent, in Boston, 27.5 percent, in Syracuse, 17.1 percent, and in Milwaukee, 13.9 percent had no health coverage at all. Private health insurance coverage was more common in high benefit States.

The study also found that in four of the cities these families were more likely to have faced emergency situations as a result of these cuts. Many have had to forgo medical treatment or were refused medical treatment because they could not pay. They have had to borrow money from friends and relatives in order to meet expenses. They have run out of food before the end of the month and have had to depend on charity for food.

This report, coming as it does shortly after the Bureau of the Census report on the alarming rise in poverty, provides substantial evidence of the systematic retreat from our obligation to insure economic and social justice for all citizens. The policies of this administration have led the retreat. It is time for the simplistic rhetoric and cynicism of the administration to stop and for compassionate leadership from the White House in addressing the needs of the poor to begin.

ANNUAL CHILI DAY EXTRAVAGANZA

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, today's the day we give chili away—venison chili that is—from the hill country of Texas. This delicacy of the wild is a rare treat. This marks the 16th year that I have served "Wick-Fowler" two-alarm venison chili to the House, and I am pleased to tell the Members that, out of deference to gringos, this will only be two-alarm chili—not the three-alarm or four-alarm chili that we Texans are used to.

And furthermore, we have cut the "red pepper" portions so everyone can enjoy this delicacy without fear of intestinal recriminations.

Today, there are a lot of so-called chili experts and chili cookoffs, but I promise you, this chili is the right stuff. There is just no comparison. So, put on your best asbestos suit, save a little room for ice cream for calming purposes, and help yourself, but remember—"caveat emptor."

And let no one but the brave venture forth for this "two-alarm" venison chili.

THE 2-PERCENT SOLUTION

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, in the spirit of the Texas chili, a group of us have submitted under the rules of the House a budget for consideration by the House this week.

Our criticism of alternative budgets is that some do not go far enough. For example, the President spoke of $100 billion downpayment, leaving deficits higher in the third year than in the first year.

Some budgets take all their cuts in defense or in raising taxes. We do not think that is the right approach.

Finally, some budgets do all their deficit reduction with mirrors. We have heard of one where there will be large savings from the Grace Commission, savings that frankly do not exist.

We ask Members to take a look at our budget. It is tough, fair, and broad. We call it the 2-percent solution.

We allow military to grow at 5 percent real; that is, 2 percent under what the President wants. We take COLA's minus 2 percent on an annual basis. We reduce indexing by 2 percent.

The result, Mr. Speaker, is a savings of $225 billion in 3 years from current services, 2-to-1 spending over tax increases.

We think, Mr. Speaker, that our budget, if adopted by this House this week, will lower interest rates by 2 percent real across the board. That will allow the recovery to prolong itself; that will extend economic recovery to areas that do not get help now like agriculture, and reduce unemployment.

We ask Members of the House to look at the 2-percent solution.

□ 1220

BIG DEFICITS ARE A FACT OF LIFE

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I want to say some kind words about one budget plan that we will be debating here in the next few weeks. I think the plan approved by the House Budget Committee is a major step forward. If enacted, it will send a message to both Main Street and Wall Street that Congress is serious about getting the deficit under control. If it fails, we will be accused of dodging the most important economic problem our Nation faces today.

Big deficits are a fact of life. They will be with us for some years to come despite our best efforts. The choice we face is whether to pay for what we are getting or continue the spend and spend, borrow and borrow policy.

Our budget is attractive for several reasons. It is a virtual freeze, designed to hold spending down during this austere period. It embraces the pay-as-you-go principle. This will establish an important precedent and be an official congressional acknowledgement that there is no free lunch. Last, it calls for sacrifice in a fair way in all parts of the budget.

I urge my colleagues to study this budget carefully and vote for it when it reaches the floor.

WE ARE LIVING ON BORROWED TIME

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the No. 1 economic problem facing our Nation today is the deficit. To solve it we can not longer afford lipservice because the national debt, which will reach $1.6 trillion by the end of this year, will by 1990 amount to $11,000 for every man, woman, and child in our country.

The interest payments alone will then be $20 billion; triple what they were in 1981. The President says we no longer have to fear the deficit, that the economy is now booming; that the expansion will take care of the deficit. But this just is not the case.

Despite the momentum of our economy, we are living on borrowed time. As Alan Greenspan, Chairman of the Council of Economic Advisers under President Ford put it, as long as the financial markets perceive, as they do today, that the deficit potential for causing crowding out is large, they will impose inflation premiums on interest rates, ultimately they will undercut growth.

We have seen in recent days that interest rates already high in real terms are on the move, rising higher still in the future.

That is why we need to support the resolution that the House Budget Committee has labored long and hard to develop. Our plan will reduce the deficit by $182 billion over the next 3 years, more than any other plan yet discussed. This is a reasonable, well-thought out plan.

House Concurrent Resolution 282 is a solid beginning to what will be a long-term plan to address these deficits which threaten our economic well-being over the next several decades.

OLDER AMERICANS HAVE A RIGHT TO LIVE AND TO RECEIVE MEDICAL TREATMENT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, last week we all discovered that there is yet another Colorado Democrat with "new ideas."

Many of us were surprised and dismayed to learn that Colorado Gov. Richard Lamm believes the terminally ill elderly have what he called a, and I quote, "duty to die and get out of the way."

Mr. Speaker, it is a frightening thing to suggest that anybody has a duty to die. And it is even more frightening to hear that suggestion from a high government official, such as the Governor of Colorado.

Because we have a Governor who feels free to tell our elderly that they have a duty to die, I have decided to offer an amendment to the Older Americans Act to help educate our senior citizens about their legal rights. No matter what the Governor of Colorado says, our older Americans have a right to live and to receive medical treatment. God will take them soon enough. There is no need to help push them over the precipice.

EL SALVADOR—ATROCIOUS ACTS OF LEFTWING DEATH SQUADS DEMAND EQUAL CONDEMNATION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, we continually hear about the atrocities committed by the so-called death squads in El Salvador. Unfortunately, the impression has been that the rightwing has some sort of monopoly on the death squad activities. As much as I and my colleagues deplore the rightwing death squads, the atrocious acts of the leftwing death squads demand equal condemnation.

Since June 1983, five elected Salvadoran Assembly Members have been killed, all Conservative Party members. At least three of these assassinations have been claimed by leftist groups. If a similar proportion of Members of Congress had been killed, we would have lost 36. No one in this body would tolerate the loss of one Member, nor should we stand by without condemning the senseless killings of legislators in a freely elected assembly in another country and just yesterday guerrillas killed D'Aubisson's chief campaign adviser Rafael Hasbun.

There are also recent reports of a large band of Cuban- and Libyan-trained terrorists infiltrating El Salva-

dor from Nicaragua, with the purpose of murdering presidential candidate Napoleon Duarte, among other prominent Salvadorans. While in El Salvador, as part of the official U.S. delegation to oversee the presidential elections on March 25, we were advised that, indeed, Libyans and Cubans had infiltrated the country for that purpose.

Other information has come to light recently which casts grave doubts about the allegations of former U.S. Ambassador to El Salvador Robert White, who has charged certain Salvadorans with participation, direction, and financing of death squad activities. When confronted with certain evidence which discredits his statements or libel suits challenging his assertions, Mr. White has retracted his claims, stating "it appears my source may have been in error."

Mr. Speaker, the continued flagrant violations of human rights by leftwing terrorist groups in El Salvador cannot be tolerated. Following my visit to El Salvador in December with Vice President BUSH, the number of deaths related to rightwing death squads has dropped considerably. Just as we deplored and condemned the rightwing death squads, so must we condemn those of the left as well.

THE ERA-ABORTION CONNECTION IS AFFIRMED

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, last year, when the House of Representatives was debating the equal rights amendment, proponents of the same old ERA that failed of ratification several years ago argued that there was no connection between the ERA and legalized abortion and that there was no need for an abortion neutral amendment to the ERA. At the time, those favoring an abortion neutral amendment to ERA disputed that analysis, pointing to a number of cases that had been filed in the courts of States that had adopted State ERA's. However, those concerned about the ERA-abortion connection could not, at that particular moment, point to a case where a State court had ruled that the State's ERA required medicaid funding of abortion on demand—because no definitive rulings had been handed down.

Well, now those concerned about the ERA-abortion connection can point to a case—Fisher against Commonwealth of Pennsylvania—decided March 9, 1984, and the ruling substantiates all their concerns. By deciding that the Pennsylvania State ERA mandates medicaid funding of abortion on demand, Judge John McPhail has demonstrated that the threat of federally funded abortion if the same old ERA passes is every bit as real as critics have made it out to be.

As a consequence, I would certainly hope that, if the ERA is brought back to the House floor, it be brought back under a rule that will permit the offering of amendments and, in particular, an abortion neutral amendment. The need for such an amendment can no longer be in doubt.

TWO "OLD" IDEAS WHOSE TIME HAS COME

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. I thank the Speaker.

Mr. Speaker, in the campaign which we are hearing a lot about new ideas, I would like to raise again two ideas that take on a special relevance as we enter a week of discussions on the budget resolution.

I am referring to the idea of a balanced budget constitutional amendment and the idea of a line-item veto.

Granted, those ideas probably do not sound too new to the Members of this body since many of us have tried to bring them up on every single day that this House has been in session. But unfortunately, those two new ideas do not seem to get much of a hearing from the Democratic majority.

Once again, I come to the floor today because we have minority approval of a unanimous-consent request to bring the balanced budget constitutional amendment and the line-item veto to the floor for debate and a vote.

If we had the support of the majority, we could act on those items expeditiously.

Obviously, unfortunately, that approval is not forthcoming.

So once again, as we enter a week in which we will be debating the crucial issues of the Federal budget deficit, we find that the Democratic leadership of the House has blocked consideration of the line-item veto as well as the balanced budget constitutional amendment.

□ 1230

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of the voluntary school prayer constitutional amendment.

The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership. I would be willing to yield to a spokesman from the majority leadership for appropriate clearance.

Hearing no response, that should make it clear to the American people who stands in the way of voluntary school prayer, the Democratic leadership of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 30, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 4:00 p.m. on Friday, March 30, 1984, the following message from the Secretary of the Senate: That the Senate agree to the House amendment to the bill S. 2507.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.
(By) W. RAYMOND COLLEY,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, March 30, 1984.

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business on Tuesday, April 3, 1984.

PAYROLL DEDUCTION FACILITATION ACT

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3879) to amend title 31, United States Code, to eliminate the fee imposed on financial organizations which receive payroll deductions from Federal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Payroll Deduction Facilitation Act".

ELIMINATION OF PAYROLL DEDUCTION FEES ON FINANCIAL ORGANIZATIONS

SEC. 2. Section 3332(b) of title 31, United States Code, is amended by inserting "without charge" after "shall be sent".

SEC. 3. Section 3332 of title 31, United States Code, is amended by striking out subsection (c) and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

The SPEAKER pro tempore. Is a second demanded?

Mr. DANNEMEYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. OAKAR) will be recognized for 20 minutes and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3879 was jointly referred to the Committee on Post Office and Civil Service and the Committee on Banking, Finance and Urban Affairs. On March 28, 1984, the Subcommittee on Compensation and Employee Benefits of the Post Office and Civil Service Committee unanimously approved H.R. 3879 with an amendment, and the Banking, Finance and Urban Affairs Committee, has no objection of the consideration of the bill by the House. The amendment was to delete section 4 in its entirety. It was felt that this section was unnecessary to the thrust of the legislation and creates difficult issues concerning the right to privacy which are not relevant to the remainder of the bill.

Mr. Speaker, H.R. 3879 would amend section 3332 of the United States Code, regarding payroll deductions for Federal civilian employees. Under current law, the Federal Government imposes service charges on financial institutions and organizations which receive payroll deductions from Federal workers.

Current law requires that Federal agencies be reimbursed for the administrative cost of processing payroll allotments. The number of deductions an employee can make per paycheck is limited to three. The Federal Government absorbs the cost of sending one allotment per pay period to an employee's designated financial organization. However, if other deductions are made, the appropriate Federal agency must be reimbursed by the designated financial organization for the costs involved in processing these deductions. In effect, Federal employees are permitted to designate up to three allotments with charges incurred on the second and third.

Under existing law, these fees apply only to payroll deductions for Federal civilian employees. Active and retired military personnel and Department of Defense personnel living overseas may authorize payroll deductions at no cost to them or their recipient organization.

I believe that this is totally unfair and must be corrected. Frankly, it defies logic to try to defend a Government policy which supposedly encourages savings and thrift, but penalizes Federal employees for doing the very thing this Government has encouraged them to do—save.

Mr. Speaker, how ironic it is that we in the Congress, on the one hand enact legislation such as the individual retirement account and other saving provisions, and yet, on the other hand, we impose an impediment on our loyal Federal employees who want to save by requiring the Federal Government to charge their designated financial institution the cost of processing the saving allotment. It simply does not make any sense and H.R. 3879 corrects this inequity.

By eliminating the allotment fee charged to financial institutions serving civilian employees, H.R. 3879 will improve Government efficiency and aid the Department of the Treasury in making full use of the advanced technology of electronic funds transfer. Moreover, testimony received from Treasury Department officials by the Subcommittee on Compensation and Employee Benefits indicates that 75 million allotments are processed each year. Of these, 64 million are composite checks, which cost the Treasury Department about 3 cents per check—11 million are individual checks which cost about 21 cents per check. By removing the fee requirement, the Treasury Department will be able to fully utilize electronic fund transfers for these transactions at a gross annual savings of $4.4 million. The Congressional Budget Office estimates that net savings of $2 million per year will result with enactment of H.R. 3879.

Furthermore, this legislation will also provide uniformity for all allotment programs and end the current confusion in the financial community caused by the imposition of these fees which are inconsistent with the procedures used for other Government programs.

Over the years, payroll deductions have proved to be an effective and efficient means of encouraging savings for all citizens. It is a sure method by which they can contribute to an overall improvement in our economy. Congress should do all it possibly can to encourage thrift and savings. It is for this reason that H.R. 3879, as amended is timely and on target. In addition, it is a measure that will result in cost savings to our Government and aid in reducing the staggering deficit that we now face.

Mr. Speaker, I am deeply grateful to the chairman of the Post Office and Civil Service Committee, Mr. FORD, and the chairman of the Banking Committee, Mr. ST GERMAIN, for their support of H.R. 3879. I am also pleased to note that the bill is supported by the Treasury Department, the major credit union organizations, and other financial institutions.

Mr. Speaker, I urge my colleagues to join me in support of this legislation.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume. I join the distinguished Chair of the Compensation and Employee Benefits Subcommittee in urging swift approval of this bill.

This bill modestly reduces our deficit, encourages Federal employees to save, and ends a cumbersome billing practice. This bill has bipartisan support in our committee and is strongly endorsed by the administration.

As the gentlelady from Ohio has noted, this bill eliminates the current fee of 6 cents per electronic fund transfer levied by the Treasury Department on financial institutions for civilian Federal payroll allotments. While this fee raised $2.1 million, it cost $4.4 million to administer. This practice was also inconsistent with the private sector.

It is also important to note what this bill does not contain. This bill was amended in subcommittee to delete a provision long sought by the Treasury Department to permit the disclosure of very limited information on accounts receiving Federal deposits by wire. The purpose was to insure proper crediting of accounts and to track the fraudulent use of Federal transfer payments. This provision was not the idea of the gentlelady from Ohio.

My concern, and that of my colleague from Florida (Mr. MACK), was that we could insure proper crediting and reach these fraud cases through other means without compromising the rightful privacy of any employee who has Federal deposits wired into their accounts. I am pleased to say that the gentlelady from Ohio was as responsive to our concern as she was cooperative with the Treasury Department.

The minority appreciates the prompt action of the gentlelady from Ohio and the chairman of our committee, the gentleman from Michigan (Mr. FORD), in moving this legislation.

I have no requests for further time, and I yield back the balance of my time.

□ 1240

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to support the bill unanimously. It is a time that we can save a lot of money and at the same time do a service to our Federal employees who deserve it.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 3879.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. OAKAR) that the House suspend the rules and pass the bill, H.R. 3879, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTROLLED SUBSTANCE REGISTRANT PROTECTION ACT OF 1984

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5222) to amend title 18, United States Code, to make certain robberies and burglaries involving controlled substances a Federal offense.

The Clerk read as follows:

H.R. 5222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Controlled Substance Registrant Protection Act of 1984".

SEC. 2. Chapter 103 of title 18, United States Code, is amended by adding at the end the following:

"2118. Robberies and burglaries involving controlled substances

"(a) Whoever takes or attempts to take from the person or presence of another by force or violence or by intimidation any material or compound containing any quantity of a controlled substance belonging to or in the care, custody, control, or possession of a registrant under section 302 of the Controlled Substances Act (21 U.S.C. 822) shall, except as provided in subsection (c), be fined not more than $25,000 or imprisoned not more than twenty years, or both, if (1) the replacement cost of the material or compound to the registrant was not less than $500, (2) the person who engaged in such taking or attempted such taking traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such taking or attempt, or (3) another person was killed or suffered serious bodily injury as a result of such taking or attempt.

"(b) Whoever, without authority, enters or attempts to enter, or remains in, the business premises or property of a registrant under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance shall, except as provided in subsection (c), be fined not more than $25,000 or imprisoned not more than twenty years, or both, if (1) the replacement cost of the controlled substance to the registrant was not less than $500, (2) the person who engaged in such entry or attempted such entry or who remained in such premises or property traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such entry or attempt or to facilitate remaining in such premises or property, or (3) another person was killed or suffered serious bodily injury as a result of such entry or attempt.

"(c) Whoever in committing any offense under subsection (a) or (b) kills any person shall be fined not more than $50,000 or imprisoned for any term of years or life, or both.

"(d) If two or more persons conspire to violate subsection (a) or (b) of this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be fined not more than $25,000 or imprisoned not more than 10 years or both.

"(e) For purposes of this section—

"(1) the term 'controlled substance' has the meaning prescribed for that term by section 102 of the Controlled Substances Act.

"(2) the term 'business premises or property' includes conveyances and storage facilities.

"(3) the term 'serious bodily injury' means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or a protracted loss or impairment of the function of a bodily member, organ, or mental or sensory faculty.".

SEC. 3. The table of sections for chapter 103 of title 18, United States Code, is amended by adding at the end the following new item:

"2118. Robberies and burglaries involving controlled substances."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. HUGHES) will be recognized for 20 minutes and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on the Judiciary has favorably reported the bill, H.R. 5222, the Controlled Substances Registrants Protection Act of 1984. The bill provides specific authority to the Department of Justice to investigate and prosecute robberies and burglaries of controlled substances from persons who are registered with the Drug Enforcement Administration, pursuant to the Controlled Substances Act.

Robbery and burglary of controlled substances is a serious problem. DEA reported that between 1977 and 1981, there were close to 6,000 such crimes annually. The frequency of these crimes has terrorized the community of dispensing pharmacists. As a consequence, enormous quantities of controlled substances are diverted to the black market and the lives of thousands of pharmacy employees and customers are endangered.

Some pharmacists have ceased to carry the drugs which are highly desired on the black market, although this interferes with their patients' ability to obtain necessary medicine. This has a serious potential to impede the delivery of health care in many communities around the Nation.

Pharmacy robbery and burglary are very serious State crimes and are usually best pursued by State and local law enforcement agencies.

However, there are robberies and burglaries of federally controlled substances which involve death or serious bodily injury, or thousands of dollars of controlled substances, or which have a significant interstate element. Those cases require appropriate Federal action.

Consequently, the committee has approved legislation to provide backup to the States in those cases which may exceed the ability, resources, or jurisdictional reach of State or local law enforcement agencies.

This bill has the strong support of almost the entire pharmacy and health care industry including the American Pharmaceutical Association, the National Association of Chain Drug Stores, and the National Wholesale Druggists Association.

Our 600,000 controlled substances registrants need to know that Federal protection will be forthcoming when it is appropriate.

I urge the adoption of this bill.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, because only licensed pharmacies are able to dispense controlled substances, they appear as prime targets for persons interested in drugs for personal use or theft of drugs for profit. DEA reports that from January 1983 through March 1983, there were 342 armed robberies and 1,953 thefts of controlled substances from DEA registrants. This type of violent crime is just another example of the drug trafficking problem in the United States.

Six out of every ten emergency room drug abuse cases involve legally manufactured drugs that have been diverted from proper use. This Nation has a serious drug abuse problem with pharmaceutical drugs that many of us, unfortunately, have overlooked in the past. The bill before us today will permit the Federal law enforcement

community to assist in stopping the most dangerous form of drug diversion the pharmacy robbery. In this instance, the lives of the pharmacists and their customers are at stake, as well as the ultimate drug abuser. H.R. 5222 is only one of the two drug diversion bills before the Subcommittee on Crime and I commend Chairman HUGHES for processing legislation to address the pharmaceutical drug abuse problem in this Nation.

I urge your support for H.R. 5222, which makes it a Federal crime to take controlled substances from a pharmacy or drug wholesaler. This legislation is carefully crafted to reflect an appropriately limited Federal role in pharmacy robberies and burglaries to avoid usurping the jurisdiction of State and local authorities.

By working with local law enforcement officials, I believe the DEA and FBI agents can help reduce pharmacy crime under the provisions of H.R. 5222.

This pharmacy crime legislation before us today is the result of a lot of work on the part of Mr. HUGHES, the Department of Justice, and pharmacists across this Nation. The Subcommittee on Crime is indebted to HENRY HYDE, who introduced pharmacy crime legislation and has worked heartily in support of Federal penalties for those who take controlled substances from pharmacies for several years. Mr. HYDE testified before our subcommittee and his staff has offered invaluable assistance to myself and the subcommittee staff during our consideration of pharmacy crime legislation.

Mr. HYDE could not be with us today, but he asked me to submit his remarks in support of this bill, which I am most happy to do.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

I just want to take this opportunity to express my sincere appreciation to the ranking minority member on the Subcommittee on Crime for his diligence and his good work in seeing this legislation advance. I join with my colleague, the gentleman from Michigan, in echoing sentiments to the effect that the gentleman from Illinois (Mr. HYDE) has been right there working very hard to see this legislation through. I know that he has been working for the last 2½ years, endeavoring to see some pharmacy robbery legislation advanced in the Congress. I am very happy that he is supportive of the legislation and that we are able to move it at this time.

May I also say, Mr. Speaker, that the gentleman from California (Mr. WAXMAN), has been very, very supportive of the legislation. The gentleman had legislation before his subcommittee which parallels this legislation and is one of the prime sponsors of the bill before us.

● Mr. SMITH of Florida. Mr. Speaker, as a member of the Crime Subcommittee and a cosponsor of an earlier version (H.R. 1255) of this legislation and a cosponsor of this bill, I rise in strong support of H.R. 5222, the Controlled Substance Registrants Protection Act.

I first want to thank my able subcommittee chairman, the gentleman from New Jersey (Mr. HUGHES), for guiding this legislation through the legislative process. Thanks also must go to our ranking minority member, the gentleman from Michigan (Mr. SAWYER), who has announced his retirement. His presence and cooperative spirit will be missed next year.

Mr. Speaker, no Federal statute specifically addresses theft from pharmacies and other places that house controlled substances. According to the Drug Enforcement Administration (DEA), the reported robberies of controlled substances increased by 160 percent between 1973 and 1981. In Florida alone there were 96 pharmacy break-ins and 42 armed robberies and break-ins in 1982. The total dosage units stolen during such pharmacy robberies and break-ins was over 575,000. Clearly the time has come for Congress to address specifically this problem.

Robberies and burglaries already are covered by State law. In pharmacy crimes, however, the materials being sought is specifically controlled by Federal statute. That is why the Judiciary Committee believes that H.R. 5222 is necessary.

The bill provides three alternative bases for Federal jurisdiction. The replacement value of the drugs taken must be at least $500. The perpetrator must have used some means of interstate commerce in committing the crime. Or, an innocent person must have been killed or seriously injured. Under the bill's provisions, the robbery or burglary is punished by 20 years in jail and/or a $25,000 fine. If death should occur during the commission of the felony, the punishment is life imprisonment and/or a $50,000 fine. Finally, conspiracy to commit the crime is punishable by 10 years in jail and/or a $25,000 fine.

Enactment of H.R. 5222 will not mean that pharmacy crimes will diminish or that Federal jurisdiction will be assumed in every instance. The local U.S. attorney still will have to decide whether to prosecute the case or not. But, H.R. 5222 is a statement by the Congress of the importance with which we view robberies of pharmacies. In addition, actual deterrence may depend ultimately upon knowledge that the Federal Government may prosecute the robbery of a pharmacy.

Mr. Speaker, pharmacies provide a great service to the community. Because of the danger of robberies of the controlled substances within their premises, some pharmacists have erected barriers for themselves. They work behind cages or locked doors and windows. These dedicated professionals persist in being pharmacists because they are dedicated to their community and their business. Florida already has dealt with this problem by making it a crime to commit a robbery in a pharmacy. It is time for Federal Government to do likewise.

I urge the House to pass H.R. 5222.●

● Mr. SHAW. Mr. Speaker, few things are more terrifying than being an innocent bystander caught in the middle of an armed robbery of a pharmacy.

DEA statistics indicate that 342 armed robberies of controlled substances from pharmacies occurred in the first 3 months of 1983 alone.

Many people have overlooked the tremendous pharmaceutical drug abuse problem in the United States. Pharmacy crime is one way to obtain these legally manufactured drugs.

There is tremendous profit potential in pharmacy crime. For example, dilaudid (a synthetic heroin) pill costs the pharmacist about 25 cents. On the street, dilaudid pills sell for about $40 to $60 each.

H.R. 5222 allows Federal law enforcement involvement where DEA and FBI agents can make a contribution to the case. Federal jurisdiction comes into play when over $500 of drugs are taken (wholesale value), or when the offender travels in interstate commerce or when a person is killed or seriously injured.

This legislation is based in large part on the hard work of Mr. HYDE and Mr. JEPSEN in support of pharmacy crime legislation. I commend Chairman HUGHES and Mr. SAWYER for their efforts in moving this legislation in the House.●

● Mr. LUKEN. Mr. Speaker, I rise in support of this bill and wish to commend the gentleman from New Jersey (Mr. HUGHES) and the gentleman from California (Mr. WAXMAN) for moving this legislation. Like a number of other Members of the House, I introduced a bill on this subject, H.R. 3974, and so am very pleased that we are acting today to provide long overdue protection for the Nation's pharmacists against robberies and burglaries of controlled substances.

I would like to recognize the valuable work of the pharmacy industry in behalf of this legislation, in particular the work of the National Association of Retail Druggists, which has worked for legislation of this type for more than 10 years.

This legislation will close a serious loophole in Federal drug statutes. Under current law, it is a Federal criminal offense to manufacture, distribute, dispense, or obtain narcotics

or other controlled substances except through properly registered channels, or to obtain such substances by misrepresentation, fraud, forgery, deception, or subterfuge.

Under the current Federal law, however, it is not a criminal offense to obtain narcotics or controlled substances by robbing or burglarizing a pharmacy. Since 1973, more than 10,000 pharmacies have been robbed to obtain controlled substances, and more than 2,300 people have been killed or injured in such robberies. In addition, the rate of these robberies is increasing dramatically—up 113 percent between 1976 and 1981. Burglary and theft of controlled substances from pharmacies also increased significantly.

As a former U.S. attorney, I do have several reservations about how well this bill will actually protect our pharmacists. I fear that the inconsistency between the bill's language and the Controlled Substances Act and with provisions of the Criminal Code, particularly the antitampering statute which was recently enacted, may limit the effectiveness of the protection we are trying to extend.

The bill defines pharmacy robbery and burglary in language very similar to that used by the Criminal Code to define bank robbery and burglary. The bill's offense definitions go on, however, to require the Government to prove one of three additional conditions in order to obtain a conviction: First, that the crime involved more than $500 of a controlled substance, valued at replacement cost; that is, wholesale; or second, that an instrumentality of interstate commerce was used in committing the offense; or third, that death or serious bodily injury occurred as a result of the offense.

These limitations are inconsistent with the Controlled Substances Act and will have an ironic result. Under the CSA, obtaining controlled substances by nonviolent means such as forgery is a Federal offense regardless of the amount obtained, or whether instrumentalities of interstate commerce are used. Unfortunately, the restrictive definitions in this bill will mean that under Federal law stealing controlled substances with a ballpoint pen is of greater concern than taking them with a revolver. That result is silly, and in view of the ample nexus controlled substances already have with interstate commerce, unnecessary.

The bill's limitation on death or serious bodily injury is also inconsistent with the recently enacted antitampering statute. The language of that bill was amended by the Judiciary Committee in order to assure that tampering with consumer products which threatened but did not actually result in bodily injury would also be punished by that statute. Our failure to make similar adjustments here may unintentionally penalize good police work by allowing unsuccessful felons to escape Federal prosecution, regardless of the wishes of State or local law enforcement authorities.

I hope these concerns are addressed in the conference committee.●

● Mr. HYDE. Mr. Speaker, as one who has advocated pharmacy crime legislation since the 96th Congress, I am pleased to support this legislation which will see to it that our Nation's pharmacists, and indeed all DEA registrants, have the Federal protection they must have if they are to continue dispensing necessary drugs to their customers with any sense of security.

I particularly want to commend the distinguished chairman of the Subcommittee on Crime, Mr. HUGHES, and HAROLD SAWYER, ranking Republican on the subcommittee, for their efforts to resolve many questions which arose during consideration of legislation. The HUGHES' bill, H.R. 5222, is a good bill, and one which I feel deserves my colleagues' unanimous support.

Those who have devoted considerable time and effort to this issue over the years fully recognize the delicate balance which exists—and which must be maintained—if we are to see legislation signed into law in this Congress. As we all know, politics is the art of compromise, and nowhere is that more evident than in the legislation before us today.

In addition to expressing my sincere thanks to Chairman HUGHES and HAROLD SAWYER, I also want to particularly thank subcommittee counsel, Hayden Gregory and Eric Sterling. Charlene Van Lier, Republican counsel for the subcommittee, has provided outstanding advice and counsel. Particularly helpful and welcome has been the support, encouragement, and well-reasoned suggestions by the National Association of Chain Drug Stores and the National Wholesale Druggists Association.

Last but certainly not least, I wish to thank those of my colleagues who have steadfastly cosponsored legislation on this issue which I have introduced in the last two Congresses. It was their continued support since the 96th Congress which provided the strength to continue the fight on behalf of those throughout the country who dispense controlled substances. I am convinced that their support has been crucial in our efforts to provide an appropriate Federal response to a rapidly increasing problem.

I urge speedy adoption of H.R. 5222, and call my colleagues' attention to the following list of cosponsors of H.R. 1255, the Controlled Substances Act, legislation which preceded H.R. 5222.

COSPONSORS OF H.R. 1255—CONTROLLED SUBSTANCES ROBBERY ACT

Alabama: Bill Nichols, 3rd, Tom Bevill, 4th, and Richard Shelby, 7th.

Arizona: Bob Stump, 3rd and Eldon Rudd, 4th.

Arkansas: J. P. Hammerschmidt, 3rd.

California: Vic Fazio, 4th, Pete Stark, 9th, Tom Lantos, 11th, Charles Pashayan, 17th, Bob Lagomarsino, 19th, Carlos Moorhead, 22nd, Matthew Martinez, 30th, David Dreier, 33rd, Robert Badham, 40th, and Duncan Hunter, 45th.

Colorado: Hank Brown, 4th and Ken Kramer, 5th.

Connecticut: Stewart McKinney, 4th and William Ratchford, 5th.

Florida: Bill Chappell, 4th, Bill McCollum, 5th, Bill Young, 8th, Mike Bilirakis, 9th, Tom Lewis, 12th, Larry Smith, 16th, and Dante Fascell, 19th.

Georgia: J. Roy Rowland, 8th and Doug Barnard, 10th.

Illinois: Marty Russo, 3rd, John Porter, 10th, Tom Corcoran, 14th, Ed Madigan, 15th, Lynn Martin, 16th, and Dan Crane, 19th.

Indiana: Katie Hall, 1st and Dan Burton, 6th.

Iowa: Tom Harkin, 5th.

Kansas: Larry Winn, 3rd.

Kentucky: Carroll Hubbard, 1st, Ron Mazzoli, 3rd, Gene Snyder, 4th, Hal Rogers, 5th, and Larry Hopkins, 6th.

Louisiana: Bob Livingston, 1st, Billy Tauzin, 3rd, Buddy Roemer, 4th, and Gillis Long, 8th.

Maine: John McKernan, 1st and Olympia Snowe, 2nd.

Maryland: Roy Dyson, 1st, Clarence Long, 2nd, Marjorie Holt, 4th, Steny Hoyer, 5th, and Michael Barnes, 8th.

Massachusetts: Silvio Conte, 1st, Edward Boland, 2nd, and Barney Frank, 4th.

Michigan: Mark Siljander, 4th, Harold Sawyer, 5th, Bob Carr, 6th, Guy Vander Jagt, 9th, and Don Albosta, 10th.

Missouri: Richard Gephardt, 3rd, Bill Emerson, 8th, and Harold Volkmer, 9th.

Montana: Ron Marlenee, 2nd.

Nebraska: Virginia Smith, 3rd.

New Hampshire: Norman D'Amours, 1st and Judd Gregg, 2nd.

New Jersey: James Florio, 1st, James Howard, 3rd, Chris Smith, 4th, Bernard Dwyer, 6th, Matt Rinaldo, 7th, Robert Roe, 8th, Joseph Minish, 11th, Edwin Forsythe, 13th, and Frank Guarini, 14th.

New York: Ray McGrath, 5th, Joseph Addabbo, 6th, Edolphus Towns, 11th, Major Owens, 12th, Guy Molinari, 14th, Charles Rangel, 16th, Mario Biaggi, 19th, George Wortley, 27th, Frank Horton, 29th, John LaFalce, 32nd, and Henry Nowak, 33rd.

North Carolina: Charles Whitley, 3rd, Stephen Neal, 5th, Bill Hefner, 8th, and James Martin, 9th.

Ohio: Bob McEwen, 6th, Thomas Kindness, 8th, Clarence Miller, 10th, John Kasich, 12th, Chalmers Wylie, 15th, Ralph Regula, 16th, and Louis Stokes, 21st.

Oklahoma: Dave McCurdy, 4th and Glenn English, 6th.

Oregon: Les AuCoin, 1st, Bob Smith, 2nd, and Denny Smith, 5th.

Pennsylvania: Richard Schulze, 5th, Gus Yatron, 6th, Peter Kostmayer, 8th, John Murtha, 12th, Don Ritter, 15th, George Gekas, 17th, Bill Goodling, 19th, Thomas Ridge, 21st, and William Clinger, 23rd.

South Carolina: Floyd Spence, 2nd, Carroll Campbell, 4th, and Robin Tallon, 6th.

Tennessee: Marilyn Lloyd, 3rd, Jim Cooper, 4th, Don Sundquist, 7th, and Ed Jones, 8th.

Texas: Sam Hall, 1st, Charles Wilson, 2nd, Phil Gramm, 6th, Marvin Leath, 11th, Abraham Kazen, 23rd, and Tom Vandergriff, 26th.

Vermont: Jim Jeffords, Al.

Virginia: G. William Whitehurst, 2nd, Tom Bliley, 3rd, and Frank Wolf, 10th.

Washington: Al Swift, 2nd, Sid Morrison, 4th, and Rod Chandler, 9th.

Wisconsin: Steve Gunderson, 3rd, Toby Roth, 8th, and F. James Sensenbrenner, 9th.

American Samoa: Fofo I. F. Sunia.

Virgin Islands: Ron de Lugo.●

H.R. 5222

● Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 5222, the Controlled Substance Registrant Protection Act of 1984.

The theft of controlled substances from our Nation's pharmacies is a matter of great concern to the members of the Energy and Commerce Committee.

Retail diversion of controlled substances presents a major threat to public health. Fifty percent of drug abuse-related death and injuries are the result of drugs legally available for use in medicine which are diverted to illicit use. Robberies from our Nation's pharmacies result in the diversion of millions of drug dosage units to the street. In addition to contributing to our Nation's drug abuse problem, these acts present a serious risk of death and injury to pharmacy personnel and their customers.

Earlier last month the Subcommittee on Health and the Environment ordered legislation reported which would, in a fashion similar to H.R. 5222, impose strict criminal penalties on the robbery or burglary of controlled substances from retail pharmacies and other Federal registrants. In view of the similarities between H.R. 5222 and our subcommittee's action, I am pleased to support and cosponsor the pending proposal and to urge our Senate colleagues to give it their support.

I would like to recognize two members of our subcommittee who deserve credit for their tireless efforts in this area. The gentleman from Ohio (Mr. LUKEN) and the gentleman from Virginia (Mr. BLILEY) have been persuasive advocates on behalf of our Nation's pharmacists and the public they serve.

I also want to praise the efforts of the gentleman from New Jersey and the principal author of H.R. 5222, Mr. HUGHES, for his commitment to pursue enactment of this legislation in such a timely fashion.

Mr. Speaker, extending Federal law enforcement protections in this area is long overdue. Passage of H.R. 5222 makes good sense and I urge each Member's support.●

● Mr. RODINO. Mr. Speaker, I rise in support of H.R. 5222, the Controlled Substance Registrant Protection Act of 1984. This legislation is an important step forward in controlling the diversion of large quantities of dangerous drugs from the legitimate channels of commerce to the streets and the black market where they get into the hands of drug addicts.

Unfortunately it is not a well-known fact that legitimately manufactured drugs are the cause of three-quarters of the deaths and injuries due to drug abuse in our country. It is a tragedy that these important pharmaceutical products, which are so essential to provide relief for pain of those who are critically ill, are diverted by various means to the drug pushers who sell them for enormous profits.

For example, the drug Dilaudid, widely used to relieve severe pain, has a wholesale dosage unit price of 27 cents. That same pill can be sold on the street for $40 or $50. As a consequence, Mr. Speaker, a bottle of 100 pills which a pharmacist purchases for $27 is worth $4,000 or more. This value, greater than its weight in gold, has led to thousands of robberies and burglaries of pharmacies, doctors offices, and other health care facilities every year. These robberies pose a severe danger that health care delivery will be totally interrupted in certain communities. Pharmacists in many parts of the country, particularly in the inner city where crime is often high, have simply stopped carrying these important drugs in their inventory.

The result is that the elderly, the infirm, the seriously ill, and bedridden are often greatly inconvenienced when trying to get the medicines they desperately need. Tragically, these burdens sometimes are so great that the necessary pain killing medicine cannot be obtained at all.

Mr. Speaker, this important legislation provides necessary Federal jurisdiction to protect the commerce in controlled substances from robbery and burglary. As developed by the Judiciary Committee this legislation spells out for the Department of Justice those important classes of cases which warrant Federal assistance to State and local investigations.

I urge the adoption of this bill.●

● Mr. HARKIN. Mr. Speaker, I rise today in support of H.R. 5222, the Controlled Substance Registrant Protection Act of 1984. This bill provides specific authority to the Department of Justice to investigate and prosecute robberies and burglaries of controlled substances from persons who are registered with the Drug Enforcement Administration (DEA).

Robbery and burglary of controlled substances are clearly a serious problem. DEA reported that between 1977 and 1981 there were close to 6,000 such crimes annually. The frequency of these crimes has terrorized the community of pharmacists. Some pharmacists have ceased to carry drugs that are highly desired on the black market, although this interferes with their patients' ability to obtain necessary medicine. This has the serious potential to impede the delivery of health care in many communities around the Nation.

Pharmacists are a key link in our ability to provide adequate health care, especially in rural areas. While most pharmacists no longer mix their own powders or prepare their own capsules, they are by no means simply pill counters. Pharmacists are really part educator, part health care provider, and part merchant. They may often be more accessible to patients than are doctors and can provide invaluable information to people about how medications should be taken, what side effects to expect and what potential interactions they may have with other drugs, alcohol, or food. People depend upon their pharmacists to be able to supply medication at all hours of the day or night for sick children or relatives. People look to their pharmacists for guidance regarding what symptoms to report back to their doctor. According to a recent issue of America's Health, pharmacists now rank high in public opinion polls for honesty and ethical standards, second only to members of the clergy in this regard.

It is for these reasons that I believe we cannot allow pharmacists to leave their profession due to the fear of crime.

At present, pharmacy robbery and burglary are already very serious State crimes and are usually best pursued by State and local law enforcement agencies. However, in some cases, the local authorities do not have sufficient resources to pursue some cases properly. This is especially true when criminal groups covering several States are involved. Consequently, this legislation, which I am proud to have cosponsored, is drafted to provide a backup to the States in those cases which may exceed the ability of State and local law enforcement agencies. H.R. 5222 creates two new title 18 offenses: Robbery of and burglary with intent to steal controlled substances from registrants with DEA under the Controlled Substances Act. H.R. 5222 also provides for penalties of a 20-year prison term and $25,000 fine, or life imprisonment and a $50,000 fine in the event death occurs in the commission of the offense.

Many groups have lent their support to this measure, including the American Pharmaceutical Association, the American Veterinary Medical Association, the National Wholesale Druggists' Association, the Pharmaceutical Manufacturers Association, and the American Dental Association. I hope

that other Members of Congress will support this bill to protect pharmacists and to enable them to continue to serve the needs of the people in this country.●

● Mr. FISH. Mr. Speaker, I urge this body to support and pass H.R. 5222, the Controlled Substance Registrant Protection Act of 1984. This important bill will protect pharmacists and their customers across this Nation from persons who rob and burglarize these pharmacies to obtain controlled substances. As the sponsor of H.R. 1032, a bill to make pharmacy robbery a Federal crime, I appreciate the importance of this legislation, and have cosponsored H.R. 5222, the bill before us today.

H.R. 5222 is endorsed by the National Association of Chain Drug Stores, the National Wholesale Druggists Association, the American Pharmaceutical Association, the Drug Wholesalers Association, the Pharmaceutical Manufacturers Association, and the Food Marketing Institute.

Pharmacies are sitting ducks for addicts or drug traffickers who are willing to risk the lives of pharmacists and customers in order to get their hands on controlled substances. One unfortunate result of pharmacy robbery is that some pharmacies no longer carry the controlled substances that legitimate customers need. This is deplorable.

I am happy to support legislation which permits Federal involvement in pharmacy robbery investigations where the Federal officials can contribute to the case.●

● Mr. LELAND. Mr. Speaker, I appreciate this opportunity, as both a Member of this distinguished body and a pharmacist, to rise in support of legislation to amend the Controlled Substances Act. H.R. 5222 will make it a Federal crime to obtain controlled substances from a pharmacy by force or violence.

There is no doubt that violent crime is one of the major concerns of today's community pharmacy practitioner. I personally know that the property, and more importantly, personal safety of my friends and colleagues in the profession are in grave jeopardy. Greater than 99 percent of armed robberies of controlled substances were from pharmacies; 75 percent of crimes committed against drugstores were for the purpose of obtaining controlled substances, not cash. This problem is universal to all pharmacies, be they urban, suburban, or rural. A recent survey revealed that 50 percent of urban pharmacies reported the occurrence of a crime, whereas 45.3 percent of rural pharmacies also did.

One striking and very unfortunate consequence of these robberies is that as many as 40 percent of community pharmacies no longer stock some drugs that are the repeated targets for theft and violence. I think it is obvious to all of us that this fact has serious implications for drug therapy across our Nation.

Mr. Speaker, it is my feeling that a Federal role in this serious problem is both appropriate and necessary, and I urge my colleagues to support H.R. 5222.●

● Mr. FUQUA. Mr. Speaker, it is with great pleasure that I take this opportunity to applaud the efforts of the Judiciary Committee and to express my support for H.R. 5222.

No Member is more aware of the illegal drug trade than those of us from the State of Florida. Illegal drug trafficking is big business in Florida. However, increasingly the documented cases of drug-related deaths can be attributed to the abuse of legitimate drugs, the majority of which were bought on the street from criminals who obtained these controlled substances by force.

With the enforcement of the Controlled Substances Act, prescription drugs have become more difficult to illegally obtain. Proportionately, their street value has risen, as has the incidence of robbery and burglary. Under present law, pharmacists are required to report the theft of controlled substances. Yet, Federal law does not protect these same pharmacists from the violence which is often visited upon them to obtain their drugs.

Mr. Speaker, I first introduced this type of legislation several years ago because of my concern with the safety of pharmacists. It has taken time, but the effort has brought fruition.

This is an important step in our drive to curtail pharmacy robberies. It will not end the problem, but it will make it easier to apprehend and convict those responsible. I am pleased that the House of Representatives is taking this step and hope we will soon be able to have this measure enacted into law.●

● Mr. PARRIS. Mr. Speaker, I rise in support of H.R. 5222 and I request that my colleagues in the House vote in suppport of this vital measure. Last year, the Federal Drug Enforcement Administration provided me with some alarming statistics on thefts and losses of controlled substances in Virginia and nationwide. This data illustrates clearly the need for the Congress to address the problem of thefts and armed robbery of controlled substances.

Several of my colleagues on the Select Committee on Narcotics and Drug Abuse joined me in sponsoring H.R. 2929, legislation which is somewhat broader in scope than H.R. 5222. Our bill would amend the Controlled Substances Act to provide a penalty for employee thefts, customer pilferages, robberies, and burglaries of any controlled substance from any pharmacy practitioner, hospital, manufacturer, or distributor.

While I would prefer a more comprehensive measure, I recognize that existing Federal statutes are inadequate. H.R. 5222 is a giant step in the right direction and in my opinion, is a proper Federal response to a national problem which has reached crisis proportions.

A brief glimpse of the statistics will give you an idea of the extent of the problem we are facing. According to the DEA, in 1982 there were 2,861 thefts by night break-ins, 1,037 thefts by armed robbery, 876 employee thefts, 247 customer pilferages, and 833 incidents of loss in transit. Each one of these thefts or losses involves a large number of drugs. The average night breakin resulted in a loss of over 4,000 dosage units. This data reinforces the need for enactment of legislation.

I congratulate the committee chairman for holding hearings on this serious problem and presenting the House with a bill which addresses the problem in a responsible manner. I strongly urge the Members of the House to vote in support of H.R. 5222.●

Mr. HUGHES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the bill, H.R. 5222.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material therein, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1250

ARIZONA WILDERNESS ACT OF 1984

Mr. MCNULTY. Mr. Speaker, on behalf of the gentleman from Arizona (Mr. UDALL), I move to suspend the rules and pass the bill (H.R. 4707) to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arizona Wilderness Act of 1984".

TITLE I

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Arizona are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) certain lands in the Prescott National Forest, which comprise approximately five thousand four hundred acres, as generally depicted on a map entitled "Apache Creek Wilderness—Proposed", dated February 1984, and which shall be known as the Apache Creek Wilderness;

(2) certain lands in the Prescott National Forest, which comprise approximately fifteen thousand acres, as generally depicted on a map entitled "Arnold Mesa Wilderness—Proposed", dated March 1984, and which shall be known as the Arnold Mesa Wilderness;

(3) certain lands in the Apache-Sitgreaves National Forest, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Bear Wallow Wilderness—Proposed", dated March 1984, and which shall be known as the Bear Wallow Wilderness;

(4) certain lands in the Prescott National Forest, which comprise approximately twenty-nine thousand seven hundred acres, as generally depicted on a map entitled "Castle Creek Wilderness—Proposed", dated February 1984, and which shall be known as the Castle Creek Wilderness;

(5) certain lands in the Coronado National Forest, which comprise approximately seventy-four thousand acres, as generally depicted on a map entitled "Chiricahua Wilderness—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed a part of the Chiricahua Wilderness, as designated by Public Law 88-577;

(6) certain lands in the Coconino National Forest, which comprise approximately eleven thousand five hundred acres, as generally depicted on a map entitled "Fossil Springs Wilderness—Proposed", dated March 1984, and which shall be known as the Fossil Springs Wilderness;

(7) certain lands in the Tonto National Forest which comprise approximately sixty-three thousand acres, as generally depicted on a map entitled "Four Peaks Wilderness—Proposed", dated March 21, 1984, and which shall be known as the Four Peaks Wilderness;

(8) certain lands in the Coronado National Forest, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Galiuro Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed a part of the Galiuro Wilderness as designated by Public Law 88-577;

(9) certain lands in the Prescott National Forest, which comprise approximately nine thousand six hundred acres, as generally depicted on a map entitled "Granite Mountain Wilderness—Proposed", dated February 1984, and which shall be known as the Granite Mountain Wilderness;

(10) certain lands in the Tonto National Forest, which comprise approximately forty-three thousand acres, as generally depicted on a map entitled "Hellsgate Wilderness—Proposed", dated March 1984, and which shall be known as the Hellsgate Wilderness;

(11) certain lands in the Prescott National Forest which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Juniper Mesa Wilderness—Proposed", dated February 1984, and which shall be known as the Juniper Mesa Wilderness;

(12) certain lands in the Kaibab National Forest, which comprise approximately six thousand five hundred acres, as generally depicted on a map entitled "Kendrick Mountain Wilderness—Proposed", dated February 1984, and which shall be known as the Kendrick Mountain Wilderness;

(13) certain lands in the Tonto National Forest, which comprise approximately forty-eight thousand acres, as generally depicted on a map entitled "Mazatzal Wilderness Additions—Proposed", dated March 21, 1984, and which are hereby incorporated and shall be deemed a part of the Mazatzal Wilderness as designated by Public Law 88-577: Provided, That within the lands added to the Mazatzal Wilderness by this Act, the provisions of the Wilderness Act shall not be construed to prevent the installation and maintenance of hydrologic, meterologic or telecommunications facilities, or any combination of the foregoing, or limited motorized access to such facilities when nonmotorized access means are not reasonably available or when time is of the essence, subject to such conditions as the Secretary deems desirable, where such facilities or access are essential to flood warning, flood control and water reservoir operation purposes;

(14) certain lands in the Coronado National Forest, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Miller Peak Wilderness—Proposed", dated February 1984, and which shall be known as the Miller Peak Wilderness;

(15) certain lands in the Coronado National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Mt. Wrightson Wilderness—Proposed", dated February 1984, and which shall be known as the Mount Wrightson Wilderness;

(16) certain lands in the Coconino National Forest, which comprise approximately sixteen thousand six hundred acres, as generally depicted on a map entitled "Munds Mountain Wilderness—Proposed", dated March 21, 1984, and which shall be known as the Munds Mountain Wilderness;

(17) certain lands in the Coronado National Forest, which comprise approximately seven thousand five hundred acres, as generally depicted on a map entitled "Pajarita Wilderness—Proposed", dated March 1984, and which shall be known as the Pajarita Wilderness;

(18) certain lands in the Coconino National Forest, which comprise approximately fifty-three thousand acres, as generally depicted on a map entitled "Red Rock-Secret Mountain Wilderness—Proposed", dated March 21, 1984, and which shall be known as the Red Rock-Secret Mountain Wilderness;

(19) certain lands in the Coronado National Forest, which comprise approximately thirty-eight thousand five hundred acres, as generally depicted on a map entitled "Rincon Mountain Wilderness—Proposed", dated February 1984, and which shall be known as the Rincon Mountain Wilderness;

(20) certain lands in the Tonto National Forest, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Salome Wilderness—Proposed", dated March 1984, and which shall be known as the Salome Wilderness;

(21) certain lands in the Tonto National Forest, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Salt River Canyon Wilderness—Proposed", dated March 21, 1984, and which shall be known as the Salt River Canyon Wilderness;

(22) certain lands in the Coconino National Forest, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "San Francisco Peaks Wilderness—Proposed", dated March 21, 1984, and which shall be known as the San Francisco Peaks Wilderness;

(23) certain lands in the Coronado National Forest, which comprise approximately twenty-seven thousand acres, as generally depicted on a map entitled "Santa Teresa Wilderness—Proposed", dated February 1984, and which shall be known as the Santa Teresa Wilderness; reasonable access shall be permitted to continue on the existing right-of-way from the United States Route 70 along Black Rock Wash to the vicinity of Black Rock;

(24) certain lands in the Prescott National Forest, which comprise approximately thirty-eight thousand five hundred acres, as generally depicted on a map entitled "Sheridan Mountain Wilderness—Proposed", dated February 1984, and which shall be known as the "Sheridan Mountain Wilderness";

(25) certain lands in the Tonto National Forest, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Superstition Wilderness Additions—Proposed", dated February 1984, and which are hereby incorporated in and shall be deemed to be a part of the Superstition Wilderness as designated by Public Law 88-577;

(26) certain lands in the Coconino and Prescott National Forest, which comprise approximately nine thousand acres, as generally depicted on a map entitled "Sycamore Canyon Wilderness Additions—Proposed", dated February 1984, and which are hereby incorporated in and shall be deemed a part of the Sycamore Canyon Wilderness as designated by Public Law 92-241;

(27) certain lands in the Coconino National Forest, which comprise approximately fourteen thousand acres, as generally depicted on a map entitled "West Clear Creek Wilderness—Proposed", dated March 1984, and which shall be known as the West Clear Creek Wilderness;

(28) certain lands in the Coconino National Forest, which comprise approximately six thousand seven hundred acres, as generally depicted on a map entitled "Wet Beaver Wilderness—Proposed", dated February 1984, and which shall be known as the Wet Beaver Wilderness;

(29) certain lands in the Prescott National Forest, which comprise approximately six thousand two hundred acres, as generally depicted on a map entitled "Woodchute Wilderness—Proposed", dated March 21, 1984, and which shall be known as the Woodchute Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or

any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(d) The Congress does not intend that designation of wilderness areas in the State of Arizona lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e)(1) As provided in paragraph (6) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Arizona State water laws.

(2) As provided in paragraph (7) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to wildlife and fish in the national forests located in that State.

(f)(1) Grazing of livestock in wilderness areas established by this Act, where established prior to the date of the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

(2) The Secretary is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in Arizona in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(3) Not later than one year after the date of the enactment of this Act, and at least every five years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report detailing the progress made by the Forest Service in carrying out the provisions of paragraphs (1) and (2) of this section.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall review the following as to their suitability or nonsuitability for preservation as wilderness and shall submit his recommendations to the President:

(1) certain lands in the Coronado National Forest, which comprise approximately seven hundred and forty acres as generally depicted on a map entitled "Bunk Robinson Wilderness Study Area Additions—Proposed", dated February 1984, and which are hereby incorporated in the Bunk Robinson Wilderness Study Area as designated by Public Law 96-550;

(2) certain lands in the Coronado National Forest which compromise approximately five thousand and eighty acres, as generally depicted on a map entitled "Whitmire Canyon Study Area Additions—Proposed", dated February 1984, and which are hereby incorporated in the Whitmire Canyon Wilderness Study Area as designated by Public Law 96-550;

(3) certain lands in the Coronado National Forest which comprise approximately sixty-five thousand acres, as generally depicted on a map entitled "Mount Graham Wilderness Study Area", dated March 21, 1984, and which shall be known as the Mount Graham Wilderness Study Area.

With respect to the areas named in paragraphs (1) and (2), the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than January 1, 1986.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

SEC. 103. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in the State of Arizona and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Arizona such statement shall not be subject to judicial review with respect to national forest system lands in the State of Arizona;

(2) with respect to the national forest system lands in the State of Arizona which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands designated for wilderness study in section 2 of this Act or by previous Acts of Congress that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Arizona reviewed in such final environmental statement and not designated as wilderness or wilderness study by Congress need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Arizona for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 104. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by inserting the following after paragraph (50):

"(51) VERDE, ARIZONA.—The segment from the boundary between national forest and private land in sections 26 and 27, township 13 north, range 5 east, Gila Salt River meridian, downstream to the confluence with Red Creek, as generally depicted on a map entitled 'Verde River—Wild and Scenic River', dated March 1984, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture. This designation shall not prevent water users receiving Central Arizona Project water allocations from diverting that water through an exchange agreement with downstream water users in accordance with Arizona water law. After consultation with State and local governments and the interested public and within two years after the date of enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section.".

TITLE II

SEC. 201. The Congress finds that—

(1) the Aravaipa Canyon, situated in the Galiuro Mountains in the Sonoran desert region of southern Arizona, is a primitive place of great natural beauty that, due to the rare presence of a perennial stream, supports an extraordinary abundance and diversity of native plant, fish, and wildlife, making it a resource of national significance; and

(2) the Aravaipa Canyon should, together with certain adjoining public lands, be incorporated within the national wilderness preservation system in order to provide for the preservation and protection of this relatively undisturbed but fragile complex of desert, riparian and aquatic ecosystems, and the native plant, fish, and wildlife communities dependent on it, as well as to protect and preserve the area's great scenic, geologic, and historical values, to a greater degree than would be possible in the absence of wilderness designation.

SEC. 202. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) and consistent with the policies and provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1701 et seq.), certain public lands in Graham and Pinal Counties, Arizona, which comprise approximately six thousand six hundred and seventy acres, as generally depicted on a map entitled "Aravaipa Canyon Wilderness—Proposed" and dated May 1980, are hereby designated as the Aravaipa Canyon Wilderness and, therefore, as a component of the national wilderness preservation system.

SEC. 203. Subject to valid existing rights, the Aravaipa Canyon Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness. For purposes of this title, any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture with regard to administration of such areas shall be deemed to be a reference to the Secretary of the Interior, and any reference to wilderness areas designated by the Wilderness Act or designated national forest wilderness areas shall be deemed to be a reference to the Aravaipa

Canyon Wilderness. For purposes of this title, the reference to national forest rules and regulations in the second sentence of section 4(d)(3) of the Wilderness Act shall be deemed to be a reference to rules and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1702).

SEC. 204. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Aravaipa Canyon Wilderness with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives, and such map and description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in the legal description and map may be made. The map and legal description shall be on file and available for public inspection in the offices of the Bureau of Land Management, Department of the Interior.

SEC. 205. Except as further provided in this section, the Aravaipa Primitive Area designations of January 16, 1969, and April 28, 1971, are hereby revoked.

TITLE III

SEC. 301. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately six thousand five hundred acres, as generally depicted on a map entitled "Cottonwood Point Wilderness—Proposed", dated May 1983, and which shall be known as the Cottonwood Point Wilderness;

(2) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on a map entitled "Grand Wash Cliffs Wilderness—Proposed", dated May 1983, and which shall be known as the Grand Wash Cliffs Wilderness;

(3) certain lands in the Kaibab National Forest and in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately seventy-seven thousand one hundred acres, as generally depicted on a map entitled "Kanab Creek Wilderness—Proposed", dated May 1983, and which shall be known as the Kanab Creek Wilderness;

(4) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately fourteen thousand six hundred acres, as generally depicted on a map entitled "Mt. Logan Wilderness—Proposed", dated May 1983, and which shall be known as the Mount Logan Wilderness;

(5) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately seven thousand nine hundred acres, as generally depicted on a map entitled "Mt. Trumbull Wilderness—Proposed", dated May 1983, and which shall be known as the Mount Trumbull Wilderness;

(6) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately eighty-four thousand seven hundred acres, as generally depicted on a map entitled "Paiute Wilderness—Proposed", dated May 1983, and which shall be known as the Paiute Wilderness;

(7) certain lands in the Arizona Strip District, Arizona, and in the Cedar City District, Utah, of the Bureau of Land Management, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "Paria Canyon-Vermilion Cliffs Wilderness—Proposed", dated May 1983, and which shall be known as the Paria Canyon-Vermilion Cliffs Wilderness;

(8) certain lands in the Kaibab National Forest, Arizona, which comprise approximately thirty-eight thousand two hundred acres, as generally depicted on a map entitled "Saddle Mountain Wilderness—Proposed", dated May 1983, and which shall be known as the Saddle Mountain Wilderness; and

(9) certain lands in the Arizona Strip District, Arizona, and in the Cedar City District, Utah, of the Bureau of Land Management, which comprise approximately nineteen thousand six hundred acres, as generally depicted on a map entitled "Beaver Dam Mountains Wilderness—Proposed", dated May 1983, and which shall be known as the Beaver Dam Mountains Wilderness.

(b) The previous classifications of the Paiute Primitive Area and the Paria Canyon Primitive Area are hereby abolished.

SEC. 302. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: Provided, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

(b) Within the wilderness areas designated by this title, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary concerned deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this title.

SEC. 303. As soon as practicable after enactment of this Act, a map and a legal description on each wilderness area designated by this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in each such legal description and map may be made by the Secretary concerned subsequent to such filings. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture or in the Office of the Director of the Bureau of Land Management, Department of the Interior, as is appropriate.

SEC. 304. (a) The Congress hereby finds and directs that lands in the Arizona Strip District of the Bureau of Land Management, Arizona, and those portions of the Starvation Point Wilderness Study Area (UT-040-057) and Paria Canyon Instant Study Area and contiguous Utah units in the Cedar City District of the Bureau of Land Management, Utah, not designated as wilderness by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(b) The Congress hereby determines and directs that—

(1) certain lands in the Kaibab National Forest known as the Red Point (03063), Big Ridge (03064), Burro Canyon (03065) and Willis Canyon (03066) roadless areas, as identified in executive communication numbered 1504, Ninety-sixth Congress (House Document numbered 96-119), and the portion of the Kanab Creek RARE II roadless area (B3-060) not designated wilderness by this Act have been adequately studied for Wilderness in the RARE II Final Environmental Statement (dated January 1979);

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 and in no case prior to the date established by law for completion of the initial planning cycle; and

(3) such areas need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans.

The SPEAKER pro tempore. Is a second demanded?

Mr. McCAIN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. McNULTY) will be recognized for 20 minutes and the gentleman from Arizona (Mr. McCAIN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. McNULTY).

Mr. NcNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Arizona Wilderness bill, perhaps appropriately should be called the first Arizona Wilderness bill, would place in wilderness designation 1.2 million acres of ground and would include some of the most gorgeous scenery in the State of Arizona.

What is probably, from a political standpoint, most important about it is the degree of contribution made by the many user interests. This bill has been under study and under criticism and under construction for a period of something more than 6 months now. There have been extensive reviews

made by the mining interests for example, and by the timbering interests.

In my case, I have certainly had a substantial opportunity to meet with the members of the Arizona Cattle Growers Association; people representing wilderness interests and environmental interest have had a chance to participate. Out of that I think has come a bill which represents, to the highest degree possible, a fairly decent consensus.

If politics is as I believe it to be the art of compromise and the science of the achievable, then I think H.R. 4707 richly deserves your consideration and your approbation.

Mr. Speaker, I reserve the balance of my time.

Mr. McCAIN. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to H.R. 4707, the Arizona Wilderness Act. This measure proposes to deny Arizonans and the people of our country the use of an additional 722,300 acres of their land by adding it to the existing designated wilderness in the State.

Wilderness designation by the Federal Government removes valuable land from multiple use where it would be available under Government management for recreation, wildlife habitat, timber production, grazing, mineral exploration, and commercial development for the benefit of all Arizonans.

Our Founding Fathers fought a revolution against those who sought to control public lands for their own narrow purposes. I therefore do not believe the majority should be denied the right to benefit from their lands through restrictive wilderness designations which will benefit only a few.

I have long advocated multiple-use management as the best alternative to accommodate the many needs of our citizens, whether they be development and respectful use of the natural resources within the lands, recreation or wilderness preservation. Those who work and depend upon the land—miners, cattlemen, timbermen, and others—not only have the greatest incentive to protect it—it is their livelihood—but they also generate billions of dollars worth of direct and indirect social and economic benefits for their fellow citizens in Arizona and in America.

My constituents in Arizona have consistently, and in overwhelming numbers, opposed additional wilderness designations. Eighty-six percent of those who have written me on the wilderness issue have expressed opposition to more wilderness.

Despite this strong concern, however, most everyone agrees that the roadless area review and evaluation process (RARE) will go on forever unless we take action. Arizonans have therefore been working together to reach an acceptable compromise to put an end to the long drawn out RARE process once and for all.

Because of these good faith efforts, I was particularly concerned to learn that various-user groups, which will have to live with the consequences of wilderness designations, had not received up-to-date maps of the proposed wilderness area until the day before the Interior Committee markup on March 21 and the several days following the committee's action. I was advised by representatives of the Southwestern Minerals Exploration Association and the Arizona Mining & Prospecting Association that they had not received maps until even last week. Certainly any effort to reach a reasonable compromise demand that those affected be allowed sufficient time to thoroughly review and comment on the specific areas targeted under this bill. I do not believe they have had that opportunity.

In all, H.R. 4707 designates an unacceptable 722,300 acres of Arizona land as wilderness. It designates approximately 215,000 acres on the Tonto National Forest in my district as wilderness, about 30 percent of the total wilderness designated in the bill.

Of those areas in my district, most are prime grazing areas or lands with important mineral or energy potential.

For example, in the Four Peaks area, mining claims are numerous; amethyst, tungsten, beryllium, and lithium have been found. Four Peaks is prime cattle country. The area is also suitable for watershed management that would increase the water yield into the Salt River. Furthermore, numerous existing jeep roads, holding pasture, pipeline, and fencing make the area's suitability for wilderness questionable.

Salome has been identified as having potential for fluorspar, barite, uranium, and precious metals. It is prime grazing area for livestock. Range improvements, including water storage tanks, pipelines, and fences are planned by the current permittee to improve the area for grazing and wildlife, and to eliminate overgrazing.

Hellsgate is underlain by tin-bearing formations; associated with anomalous tin are tantalum, yttrium, and beryllium. There are existing trails and roads and brush clearing and burning projects.

The Salt area has potential for both chrysolite and uranium. Again, this is prime grazing land and range improvements are necessary for the permittee's operations. There has also been vegetation manipulation and brush burning.

Of the areas proposed for designation as wilderness outside my district, I have received comments in opposition to inclusion of Mount Wrightson on the Coronado National Forest, Castle Creek, Arnold Mesa, Sheridan Mountain, and Woodchute on the Prescott National Forest, and Bear Wallow to the Apache-Sitgreaves National Forest.

All these areas, rich in natural resources, should not be locked away into restrictive wilderness designations. Instead, they should be opened to multiple use for the benefit of the majority of Arizonans.

Beside the areas proposed for wilderness, I strongly oppose this bill's release language. The bill provides that the Department of Agriculture "shall not be required to review the wilderness option prior to the review of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle." It does not specify a certain date before which the Department would be precluded from reviewing the wilderness option.

For myself, I would prefer that those lands not designated as wilderness be released to multiple use once and for all, and not be subject to any further review by the Forest Service.

However, user groups and others in Arizona have asked only that language be included in the bill designating a specific date, January 1, 1998, before which the Forest Service would be precluded from reviewing the land for wilderness potential. This is only reasonable. Those who must rely upon the lands for their livelihood must have some certainty about the status of their land for long-range planning and credit purposes.

Furthermore, specific language ought to be included in the bill to insure motorized access to ranchers for range maintenance and improvements. Ranchers are not out to destroy the land, but to protect it. They have already protected the land so well in fact, that many of these areas are still considered suitable for wilderness.

I also object to the provisions of titles II and III being included in this legislation. These provisions are identical to those of H.R. 2724, the Aravaipa Canyon Wilderness bill, and H.R. 3562, the Arizona Strip Wilderness bill, respectively, H.R. 3562, in particular, came about as a result of long and careful negotiations and compromise between user groups and environmentalists in Arizona. These two bills are noncontroversial and ought to be considered on their own merit. The efforts of those who developed the legislation should not be ignored by placing its provisions in this still-controversial wilderness bill, H.R. 4707.

Finally, I oppose the wild and scenic river designation of the Verde River. While efforts have been made to accommodate the proposed construction of Cliff Dam, there are still serious

questions about flood control and water management on account of the designation.

The people of Arizona will have to live with the consequences of this body's decision with regard to this legislation. I strongly oppose H.R. 4707 on behalf of the vast majority of my constituents, and I urge my colleagues to oppose it as well.

Mr. UDALL. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4707, the Arizona Wilderness Act of 1984. This is the 11th wilderness bill, and the 8th wilderness package to be considered by the House during the 98th Congress, and it is especially pleasing to me to note the progress we are making in finally putting the RARE II/wilderness issue to rest in most States. It is to be hoped that by the time this Congress ends we will have settled the national forest wilderness issue in most instances.

I will not take the time to discuss the specific wilderness proposals and attributes of H.R. 4707. Chairman UDALL can do that far better than I could on this bill. However, I note that the bill contains many wilderness proposals that, by virtue of careful negotiation and compromise on the part of the major interest groups involved, have been crafted to eliminate resource conflicts or other potential problems. As such, the bill appears to enjoy a broad degree of support, which attests to the tremendous effort Chairman UDALL has made to consult all affected parties and interest groups.

I would also like to address one other issue, the issue of so-called release language, because I believe H.R. 4707 may help resolve a partial impasse which appears to be stalling consideration of wilderness bills in the other body. As many Members are aware, our State wilderness packages contain not only wilderness designations, but they also address the question of how undeveloped lands not designated as wilderness may be managed by the Forest Service. We have provided, in all national forest wilderness bills passed since the completion of RARE II in 1979, that lands not designated as wilderness or wilderness study may be managed for such uses as the Forest Service determines appropriate in its land management planning process. In short, we have restated Congress 1976 decision that national forest lands will be managed pursuant to the 1976 National Forest Management Act. Our so-called release language formula, which was negotiated with representatives of the Forest Service, the National Forest Products Association and several major environmental groups in 1980, provides that nonwilderness lands can be developed, if the Forest Service determines, as part of its statutory planning process, that development is appropriate. It also reaffirms NFMA's provisions that wilderness values will not have to be restudied on eligible lands until national forest management plans are completely revised some 10 to 15 years from now.

Despite what I believe is clear statutory language in this regard, the Forest Service and others have raised questions concerning possible interpretation of some of the provisions of our standard release formula. I have reviewed their concerns, and have seen nothing that I think necessitates changes in the statutory language. Indeed, most of the comments appear to involve technical or other issues which we specifically discussed and addressed with committee report language in 1980. Nevertheless, there are several points which were raised which probably can benefit by citing additional examples of Congress intentions, and by further illustrating how the release formula ties in with the National Forest Management Act planning process.

Thus, after discussions with the Forest Service and numerous individuals and interest groups, we have worked with our Republican colleagues to draft additional committee report language. Since its circulation last week, I have been told by the Chief of the Forest Service and several Members of Congress that it is very helpful language, which addresses major areas of concern, I am therefore hopeful that this language will help break the release logjam which has developed in the Senate, and I would ask unanimous consent that it be printed in the RECORD following my remarks.

I am aware that there are those who would like some of this language to be included in the statute, but I believe that after reviewing it most Members will agree with my assessment that the types of hypotheticals and examples used in the report language do not lend themselves to statutory promulgation. Further, although I have spent countless hours over the past 4 years attempting to determine whether it might be possible to legislate the committee report language, I have thus far been unable to see any need or justification for additional statutory language which would amend or otherwise impinge on the provisions of the National Forest Management Act. I am, therefore, hopeful that when those concerned with our standard release formula have a full opportunity to examine the formula, as further clarified by the committee report language of H.R. 4707, they will conclude that we have gone as far as we can to allay their concerns without amending the National Forest Management Act.

In summary, Mr. Speaker, I believe H.R. 4707 is exceptionally meritorious legislation, which may help break the release impasse. I urge my colleagues to support it and I commend Chairman UDALL and the other Members of the Arizona delegation who have done such an outstanding job of producing this consensus bill.

RELEASE/SUFFICIENCY

Section 103 of H.R. 4707 contains the "release/sufficiency" language which has been incorporated by the Congress in seven State wilderness bills enacted over the past several years. This language statutorily confirms the April 1979 administrative "release" of certain RARE II nonwilderness recommended lands and releases other lands not designated as wilderness or wilderness study by H.R. 4707.

The language continues to trouble a number of affected industry groups, and in an effort to address their concerns, the Committee wishes to further clarify the purpose and intent of the provisions of this section and elaborate on certain issues not specifically discussed in previous bills.

The question of "release" (i.e., making lands available for non-wilderness management and possible development) arises from the interest in the future management of areas reviewed during the RARE II process. The controversy focuses on the point at which those lands not designated as wilderness or wilderness study by this Act, but reviewed in the RARE II process, can again be considered for possible recommendation to the Congress for designation as wilderness, and on the question of how these lands will be managed.

The "sufficiency" aspect of this question arose subsequently because of a decision in Federal District Court in California. Soon after the completion of RARE II, the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II Final Environmental Impact Statement insofar as its consideration of wilderness in some 46 areas in the State of California was concerned.

In January 1980 Judge Lawrence Karlton of the United States Distrrict Court for the Eastern District of California, in *State of California* v. *Bergland*, 483 F. Supp. 465 (1980), held that the RARE II Final Environmental Statement had insuficiently considered the wilderness alternative for the specific areas challenged. Judge Karlton enjoined any development which would "change the wilderness character" of these areas until subsequent consideration of the wilderness values in accordance with the National Environmental Policy Act is completed by the Department of Agriculture. The Ninth Circuit Court of Appeals affirmed in District Court opinion in *California* v. *Block* (690 F. 2d 653) in 1982.

While the decision applied specifically only to the 46 roadless areas in California for which the plaintiffs sought relief, the overall conclusions in the case are binding in states such as Arizona that are located in the Ninth Circuit. The net effect is that development activities on roadless areas in such states may be held up if appealed in administrative or judicial forums. This has, in fact, already happened in several instances, and has thrown a cloud of uncertainty over the development of some roadless areas, whereas development has occurred in others.

The Wilderness Act of 1964 provides that only Congress can designate land for inclusion in the National Wilderness Preservation System. Since the Committee has, in the course of developing this bill, very carefully reviewed the roadless areas in Arizona for possible inclusion in the National Wilderness Preservation System, the Committee believes that judicial review of the RARE II Final Environmental Statement insofar as national forest system lands in Arizona are concerned is unnecessary. Therefore, the bill provides that the Final Environmental Statement is not subject to judicial review with respect to national forest system lands in Arizona.

The Committee does wish to reemphasize that the sufficiency language in this Act only holds the RARE II EIS to be legally sufficient for the roadless areas in the State of Arizona and only on the basis of the full review undertaken by the Congress. Similar language will be necessary to resolve the issue in the other states.

MANAGEMENT AND FUTURE WILDERNESS CONSIDERATION OF ROADLESS AREAS NOT DESIGNATED AS WILDERNESS OR WILDERNESS STUDY

The RARE II process during 1977-1979 took place concurrently with the development by the Forest Service of a new land management planning process mandated by the National Forest Management Act of 1976. That process requires that the forest land management plans be reviewed and revised periodically to provide for a variety of uses. During the review and revision process the Forest Service is required to study a broad range of potential uses and options. In conjunction with the National Environmental Policy Act, NFMA provides that the option of recommending land to Congress for inclusion in National Wilderness Preservation System is one of the many options which must be considered during the planning process for those lands which may be suited for wilderness. The Forest Service is presently developing the initial, or "first generation", plan for each national forest. These are the so-called "section 6" plans, and they are targeted for completion by September 30, 1985. For the six national forests in Arizona some plans may not actually be completed and implemented until 1986 or later due to administrative problems including delay resulting from the cloud of the California lawsuit and the debate taking place as a result of pending legislation.

One of the goals of RARE II was to consider the wilderness potential of national forest roadless areas. The Committee believes that further consideration of wilderness during development of the initial plans for the national forest system roadless areas in Arizona not designated as wilderness or wilderness study upon enactment of H.R. 4707 would be duplicative of the study and review which has recently taken place by both the Forest Service and the Congress. Therefore, the release language of H.R. 4707, and previous bills, provides that wilderness values need not be reviewed again during development of the "first generation plans."

Beyond the initial plans lies the issue of when the wilderness option for roadless areas should again be considered. As noted, the initial plans are targeted for completion by September 30, 1985. The National Forest Management Act provides that a plan shall be in effect for no longer than 15 years before it is revised. The Forest Service regulations, however provide that a forest plan "shall ordinarily be revised on a 10-year cycle or at least every 15 years." (36 CFR § 219.10(g).)

The bill, as reported, provides that the Department of Agriculture shall not be required to review the wilderness option until it revises the initial plans. By using the word "revision" the Committee intends to make it clear, consistent with NFMA and the Forest Service regulations, that amendments or even amendments which might "result in a significant change" in a plan, would not trigger the need for reconsideration of the wilderness option. The wilderness option does not need to be reconsidered until the Forest Service determines, based on a review of the lands covered by a plan, that conditions or demands in the area covered by a plan have changed so significantly that the entire plan needs to be completely revised.

A revision of a forest plan will be a costly undertaking in terms of dollars and manpower and the Committee does not expect such an effort to be undertaken lightly. Every effort will be made to address local changes through the amendment process leaving the revision option only for major, forest wide changes in conditions or demands.

For example, if a new powerline were proposed to be built across a forest, this would be accomplished by an amendment, not a revision, and therefore the wilderness option would not have to be reexamined. Likewise, the construction of new range improvements or adjustments in livestock allotments for permittees would not constitute a "revision". It is only when a proposed change in management would significantly affect overall goals or uses for the entire forest concern, that a "revision" would occur. For example, the recent eruption of Mt. St. Helens, because it affected so much of the land on the entire Gifford Pinchot National Forest, including the forest's overall timber harvest scenario, would likely have forced a "revision" of the plan. Likewise, decisions to significantly increase timber harvest levels on an entire forest or to change a multiplicity of uses in order to accommodate dramatically increased recreation demands might force a "revision". In this regard, the Committee wishes to note, however, that in the vast majority of cases the 10-15 year planning cycle established by NFMA and the existing regulations is short enough to accommodate most changes. Conditions are highly unlikely to change so dramatically prior to 10-15 years that more frequent "revisions" would be required. For example, it would be hard to envision a scenario under which demands for primitive, semi-primitive or motorized recreation would increase so rapidly over an entire National Forest that the Forest Service would feel obliged to revise a plan prior to the normal 10-15 life span. Recreation demands might increase in a specific area or areas, but such demands could be met by amending the plan, as opposed to revising it.

Forest Service Chief Max Peterson has indicated that, in his view, most plans will be in existence for approximately ten years before they are revised. The Committee shares this view and anticipates that the vast majority of plans will not be revised significantly in advance of their anticipated maximum life span absent extraordinary circumstances. The Committee understands and expects that with first generation plans to be in effect by late 1985, or slightly later, the time of revision for most plans will be around 1995. In almost every case, the Committee, therefore, expects that the consideration of wilderness for these roadless areas will not be reexamined until approximately 1995. The Committee notes that administrative or judicial appeals may mean that many first generation plans are not actually implemented until the late 1980's, in which case plan revisions would be unlikely to occur until around the year 2000, or beyond. Or, if the full 15 years allowed by NFMA runs before a revision is undertaken, the wilderness option may mot in some cases be reviewed until the year 2000 or later.

The question has also arisen as to whether a "revision" would be triggered if the Forest Service is forced by the courts to modify or rework an initial plan, or if the Forest Service withdrew an initial plan to correct technical errors or to address issues raised by an administrative appeal. The Committee wishes to state in the most emphatic terms possible, that any reworking of an initial plan for such reasons would obviously not constitute a "revision" of the plan that would reopen the wilderness question. Rather, any such reworking would constitute proper implementation of the plan. The logic for the Committee's reasoning in this regard is that any such court ordered or administrative reworkings or modifications of a plan would come about to resolve questions related to the preparation and implementation of the plan in accordance with the requirements of NFMA and other applicable law. So such reworking or modification would not be a "revision" (which pursuant to NFMA and the implementing regulations is to be based on changed conditions or demands on the land), because a plan must be properly prepared and implemented before it can be "revised".

The fact that the wilderness option for roadless areas will be considered in the future during the planning process raises the hypothetical argument that the areas must be managed to preserve their wilderness attributes so these may be considered in the future. Such an interpretation would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such a requirement would completely frustrate the orderly management of non-wilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act.

To eliminate any possible misunderstanding on this point, the bill provides that areas not designated as wilderness or wilderness study need not be managed for the purpose of protecting their suitability for further wilderness review pending revision of the initial plans. The Committee believes the Forest Service already has statutory authority to manage roadless areas for multiple use, nonwilderness purposes. It wishes to make clear, however, that study of the wilderness option in future generations of Section 6 plans is required only for those lands which may be suited for wilderness at the time of the implementation of the future plans. Between the planning cycles, the uses authorized in the plan in effect can proceed until a new plan is implemented. In short, one plan will remain in effect until the second plan is implemented. There is no bar to management which may, as a practical matter, result in the land no longer being suited for wilderness. Thus it is likely that many areas studied for wilderness in one generation of plans may not physically qualify for wilderness consideration by the time the next generation of plans is prepared. As an example of this, the Committee notes that many areas studied for wilderness in RARE II and recommended for non-wilder-

ness have already been developed since their administrative "release" in April of 1979.

Therefore, under this language, the Forest Service may conduct a timber sale in a roadless area and not be challenged on the basis that the area must be considered for wilderness in a future planning cycle. Once into a second-generation plan, the Forest Service may, of course, manage a roadless area according to that plan without the necessity of preserving the wilderness option for the third-generation planning process. Should the particular area still be suited for possible wilderness at the time of the third-generation planning process, the wilderness option would be considered at that time. In short, the wilderness option must be considered in each future planning generation if the particular land in question still possess wilderness attributes. But there is no requirement that these attributes be preserved solely for the purpose of their future evaluation in the planning process.

In short, this language means that the Forest Service cannot be forced by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate, manage lands in an undeveloped manner, just as it can, if through the Land Management Planning process it determies it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

The Committee has reached this position after careful thought and a balancing of all the wishes and concerns of the groups involved, and wishes to emphasize the vital importance of getting the forest plans in place in Arizona and ending the state of limbo which now exists.

NO FURTHER STATEWIDE REVIEW

The final issue addressed by the Committee in Section 103 of H.R. 4707 pertains to the possibility of future administrative reviews similar to RARE I and RARE II. With the National Forest Management Act planning process now in place, the Committee wishes to see the development of any future wilderness recommendations by the Forest Service take place only through that planning process, unless Congress expressly asks for other additional evaluations. Therefore, the legislation directs the Department of Agriculture not to conduct any further statewide roadless area review and evaluation of national forest system lands in Arizona for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

The Committee recognizes that this directive might technically be evaded by conducting such a study on some basis slightly smaller than statewide. The Committee is confident, however, that the Department recognizes the spirit as well as the letter of this language and that the Committee can expect there will be no "RARE III".

□ 1300

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DE LA GARZA), the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I would like briefly to discuss a matter of jurisdictional interest to the Committee on Agriculture relating to H.R. 4707.

This bill has been referred jointly to the Committee on Agriculture and the Committee on Interior and Insular Affairs. The bill contains so-called release-sufficiency language which relates to the management of areas in the national forests with which the bill is concerned which are not designated as wilderness. In order to expedite consideration of this bill, I do not object to its being taken up on the floor of the House without consideration by the Committee on Agriculture. I take this position without in any respect waiving jurisdiction of the Committee on Agriculture with regard to the release-sufficiency issues as addressed in this bill or in similar bills. If the provisions of H.R. 4707 relating to matters within the jurisdiction of the Committee on Agriculture should become an issue with the Senate—in the event that the bill passes the House—I intend to request that the Committee on Agriculture be represented in any conference which may be held.

I appreciate this opportunity to make clear the jurisdictional interest of my committee in the release-sufficiency issues that are present in this bill and in most bills designating wilderness areas in the national forests.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for his cooperative attitude and assure him that the statements he just made will be carried out by us with regard to the conference or other changes.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman.

Mr. McCAIN. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. I thank the gentleman for yielding this time to me.

Mr. Speaker, last July, I signed a letter, with my colleagues in the Arizona delegation, soliciting the advice and recommendations of interested parties in Arizona regarding the multiple use and wilderness designations for Forest Service lands in our State. We sent that letter because the uncertainty of future public land use needs to be resolved.

Significant progress has been made toward reaching a decision, but I believe we have more work to do.

While I do not generally support wilderness, the necessity for a RARE II reevaluation affords us both the opportunity and challenge to resolve the multiple use/wilderness issues facing our State. The decisions should be made now so that the uncertainty of land use designations is removed and those who use the forests are able to plan for their future. More importantly, the decisions must be made by Arizonans—especially those who will be directly affected by such designations.

The purpose of our efforts should be the determination of which of our forest lands in Arizona truly reflect the intent of the 1964 Wilderness Act. Wilderness is defined in that act as an area of Federal land that "generally appears to have been affected primarily by the forces of nature." Our determinations must not be preconceived in terms of numbers of acres. Nor should we lose sight of our responsibility in realistically assessing when public benefits from additional wilderness preservation no longer exceed the public losses from other resources remaining unused. The discussions necessary to make such an important determination cannot be rushed if we are to make reasonable assessments and decisions.

Within the bill we are considering today, 57 percent of the acres to be designated as wilderness are located in Arizona's Third District. From the comments I continue to receive, there is no doubt in my mind that there is still a need for compromise among concerns such as the ranchers, miners, and environmental interests. Not only are some of the areas included in the bill too encompassing, and indeed some not worthy of designation, but I feel that we have failed to address some of the concerns of traditional public land users—most specifically in the areas of release and grazing language.

In addition, I cannot support the bill's inclusion of the provision of the Arizona Strip Wilderness Act. The introduction of that bill, as a separate piece of legislation, represents many long months of intense negotiation and the result is a proposal which enjoys unanimous support. The appeal and success of the strip bill is that it is a product of those who have a direct interest and use of the land in the strip, rather than a congressional mandate. The diversity of interests among ranchers, miners, timber companies, environmentalists, local governments, and Federal agencies normally would not lend itself to successfully dealing with the wilderness question. Yet in this case, those same diverse interests proved that with the give and take on the part of all parties involved, a strong consensus resolving the question can be reached. The result of the actions on the strip will be a plan with which everyone can live, strongly facilitating the implementation of land use management.

At the same time the strip bill was being negotiated, it was done so as an issue in and of itself, not as a part of a

larger package. The provisions of the strip bill can and should stand alone, and their inclusion in this bill jeopardizes its support and acceptance.

Mr. Speaker, I must also oppose the provisions in the bill regarding release language and grazing provisions. Rather than the "soft" release language included in the bill, I believe that adoption of language which would provide that lands not designated as wilderness shall not be managed for the purpose of protecting their suitability for wilderness designation pending revision of initial Forest Services plans, and in no event prior to January 1, 2000, would be a clearer reflection of the concerns in our State. Adoption of that language would clearly state our intent to resolve the wilderness/multiple use question so that responsible land use planning and activities could proceed, yet at the same time remove any doubt as to the direction for Forest Service land management. That language does not require development, but significantly reduces the planning of Forest Service lands for wilderness through the management plan process.

While there appears to be widespread agreement with regard to the continuation of grazing within designated wilderness areas, I do not believe that agreement is adequately reflected in the provisions of the bill itself. The normal management problems between the Forest Service and the cattle industry will no doubt continue, but I do not believe that we should add to those problems by failing to adequately address the grazing issue in this bill. I am concerned that we have once again clouded the grazing issue through the incorporation, by reference, of guidelines and policies. We are encouraging widespread interpretation of those guidelines, leading to further problems, especially in the area of mechanized equipment. I am also concerned that because we are incorporating guidelines rather than substantive requirements, a court may emphasize the lack of amendment to the Wilderness Act, and view the incorporation of the guidelines hostilely as a new twist on retroactive legislative history, and give it little effect. For that reason, I believe that language should have been included in this bill which not only provides for livestock grazing, but also the use of mechanized equipment.

The amount of land in our State in existing or potential wilderness is substantial, in addition to the more than 3 million acres in the State preserved for national parks and wildlife refuges. As one of the fastest growing States, we cannot afford to disregard the adverse potential of putting unreasonable amounts or unsuited lands in wilderness. We can ill afford to mortgage our future, ignoring the needs of current public land users, as well as the general public which owns the land and benefits from its resources. Better management of our existing resources and an improved realization of existing public land uses as well as the State's vast untapped resource potentials are essential to reasonably provide for our continued growth.

I applaud the efforts which have been made so far by those Arizonans who realize the necessity for our resolving the question of multiple-use/wilderness in our State, and who have assumed the responsibility for reaching a consensus. Employing the same sense of give and take as was done in developing the Arizona strip bill and taking the time to insure that we have addressed all concerns, I hope that we could have a similar success in resolving this issue. However, I believe that there is ample evidence to show that we still have more work to be done before an agreement is reached which truly reflects the needs and interests of those parties which have a direct interest in our public lands. For that reason, Mr. Speaker, I must oppose this legislation.

Mr. McCAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4707, the Arizona wilderness bill.

Title I of the bill would designate 29 new Forest Service wilderness areas totaling some 722,300 acres. Titles II and III are the so-called Aravaipa Canyon and Arizona strip wilderness proposals. The strip bill would designate 9 new Forest Service and BLM wilderness areas totaling 394,900 acres. The Aravaipa Canyon is a BLM instant wilderness proposal encompassing 6,670 acres. In other words, we have an omnibus bill for Arizona before us designating approximately 1.1 million acres of wilderness and releasing or returning to multiple use almost 2 million acres of Forest Service and BLM land.

While none of the proposed wilderness areas are in my congressional district—as I represent portion of the Phoenix metropolitan area—I am deeply concerned about the wilderness issue and I am pleased to have played a role in developing this legislation.

My distinguished predecessor who represented this district for 30 years in this House, former Congressman John Rhodes, supports this bill, and I note that the administration has no objection to the bill.

My constituents will use and benefit from the nearby wilderness areas, particularly the Four Peaks and Superstition additions. Many of my constituents are also concerned about the creation of too much wilderness and will benefit from the release of the remaining lands.

I have learned during the debate on this bill that there are many tradeoffs involved in wilderness designations. There are many uses of the land which are compatible, such as grazing and recreation, and there are others which will not be allowed. In every case, there are economic concerns and even national security issues such as in the case of strategic or critical minerals.

The pressures brought to bear on the members of the Arizona delegation have been tremendous and I personally have spent hundreds of hours visiting the proposed areas and meeting with the interested groups.

While I believe there are additional modifications which may need to be made such as Congressman STUMP and Congressman RUDD will point out and have pointed out; I believe Chairman UDALL has done an excellent job of bringing the various groups together and minimizing the conflicts.

For example, the Salt River project, a major flood control project serving Phoenix, worked out with the committee language to allow them to maintain, relocate, or install new flood control gages using motorized access when necessary. Without this authority, the Salt River project would be severely hampered in its efforts to monitor water levels in the streams and rivers above Phoenix.

Chairman SEIBERLING expressed concern that this type of language might set a precedent or in some way impede similar activities on already existing wilderness areas. I am pleased to say that a consensus was worked out which best suits the needs of the Salt River project and Arizona. As a result, the Salt River project now supports the legislation.

Two other major concerns have been the Arizona Mining Association and the Arizona Cattlegrowers. The chairman has made numerous boundary modifications and excluded a number of areas of importance to these groups. A few troublesome areas still remain in the bill but I am confident that these will also be worked out.

Aside from actual areas and boundaries, two major issues also trouble these groups—the release provisions and the grazing language. I understand Chairman SEIBERLING intends to enter in the RECORD the report language which he just did, which he and I worked out. I believe this would be helpful. We spent considerable effort attempting to clarify the release provisions and addressed a number of issues which have come up since its enactment in other bills.

Of particular concern is the duration of the first generation of forest management plans. In other words, when can the wilderness question be reopened? We discuss this in some detail in the report language and go to considerable effort to point out that it is our intention that these plans last 10 years or more. Suggestions have been made that we actually legislate a date certain or a 10-year planning cycle for

wilderness, and I believe these suggestions deserve consideration.

On the grazing issue, the concern we heard the most often was the possible arbitrary enforcement of the so-called guidelines or regulations worked out by our committee and the Forest Service. Our report language includes the guidelines in full and the bill requires a report to Congress on the progress being made in carrying out the guidelines.

Overall, I believe the legislation is balanced. Its passage will lift the cloud imposed on all Forest Service activities by the California lawsuit and will allow us to get on with the enjoyment and proper management of these lands.

I urge my colleagues to support the bill.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4707.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, today I am very proud and happy to bring before the House, H.R. 4707, the Arizona Wilderness Act. As chairman of the Committee on Interior and Insular Affairs I have brought many wilderness bills to this floor, but never before have I had the opportunity to present such a far-reaching piece of wilderness legislation for my own State of Arizona. All my life I have loved the land with which we as Americans have been uniquely blessed. All my career I have worked to preserve and protect the best of it. Now, I ask my colleagues in the House for their help in preserving and protecting some of the land for which I have a special feeling—the land of Arizona.

Mr. Speaker, as has been pointed out here, this represents a lot of work and a lot of compromise. The three of us from Arizona, the gentleman from Arizona (Mr. MCNULTY), the gentleman from Arizona (Mr. MCCAIN), and myself all serve on the Committee on Interior and Insular Affairs and have had the heavy responsibility of trying to put together this compromise.

As has been noted, the administration has no objection. I took great pride in the fact that Senator GOLDWATER, our senior Senator, introduced the RARE II portion of the bill exactly as I had introduced it on the House side.

I know that many people think of Arizona as all desert and cactus and we do have a lot of extraordinary desert and cactus. But the environment of my State is exceptionally diverse and surprising. This bill I bring before you today would protect more than 1 million acres of this rich and unusual land from the Utah border to the international border. Another 2 million acres would be released to multiple-use management.

Arizona is towering mountains of great magnificence, many of them known as Arizona "Sky Islands." The famed San Franciso Peaks near Flagstaff are the site of the highest peak in Arizona. They are sacred to the Navaho and Hopi peoples who believe that the kachinas come from there. They are also considered by many to be the birthplace of the modern science of ecology. Granite Mountain near Prescott is the dominant feature of the area and from its top there are sweeping views of the surrounding valley. Four Peaks can be seen from Phoenix 40 miles away and its rugged topography falling rapidly off steep cliffs into the Salt River provides some of the most uncommon recreation opportunities in Arizona. Mount Graham is the highest point in all of southern Arizona and the source of a wealth of wildlife, including some that are thought unique to the mountain. Mount Wrightson can be seen from Tucson and is famous throughout the world for its abundance of birds and other wildlife. These are among the "Sky Islands" the bill would protect.

Arizona is canyon country and the bill protects many of the twisting, spectacular gorges. The Mogollon Rim, which marks the edge of the Colorado Plateau, opens onto many of these extraordinary environments. West Beaver Creek, West Clear Creek, Fossil Springs, Hellsgate, and the Kanab Creek adjacent to the Grand Canyon and the Paria Canyon-Vermillion Cliffs are wilderness lands of unmatched beauty on the Arizona Strip.

Arizona is red rock country where the colorful cliffs and bluffs of fantastic geologic formation have inspired awe and wonder in people from all over the world. Red Rock-Secret Mountain and Munds Mountain both near Sedona, Ariz., are two of the new wilderness areas in this bill that would preserve these sights.

Water is especially precious in Arizona and we have made a special effort to preserve the State's rapidly diminishing riparian areas. In addition to some of the canyon-country wilderness areas, incomparable places like Bear Wallow, the Salt River Canyon and the Salome wilderness, where streams have carved surreal shapes out of bedrock, are protected by this bill.

And, finally, Arizona is indeed semiarid desert. The Chiricahuas, the Galiuros and portions of several other proposed wilderness units preserve example of this most delicate, misunderstood and underappreciated environment.

In addition, the bill designates a 41-mile stretch of the Verde River as a component of the National Wild and Scenic Rivers System. The Congress has not added a new river segment to our protected rivers inventory for more than 5 years and it has never placed a desert river in the system. It is time to end this unfortunate record on both counts. I am happy to say that the administration also supports this designation.

All in all, H.R. 4707 would designate 39 new wilderness areas in Arizona. Thirty-one areas totaling 834,000 acres are on national forest land and eight areas totaling nearly 290,000 acres are governed by the Bureau of Land Management. Only three forest areas totaling 71,000 acres are designated for additional wilderness study, two of them to complete study units already created in New Mexico. I think it is one of the major accomplishments of this legislation that we virtually eliminate the limbo of the further planning category on Arizona's forest lands.

Let me say something about how we arrived at this bill, which I think is rather remarkable for its level of support. More than 1 year ago I began to urge interested parties in Arizona to focus on how they would sort out the RARE II question. I was pleased to be joined by the entire Arizona delegation in that effort last summer. Since that time, we have been in almost constant discussion and negotiation with environmentalists, miners, timber people, cattlemen, and many, many others in trying to hammer out an acceptable proposal. We made every effort to have this built from the bottom up in Arizona, not imposed on Arizona from Washington. A lot of voices in Arizona said it could never be done. But I think this bill before the House today, while it does not completely satisfy the interest of any group, fairly and adequately addresses the interest of all groups in our State.

We have incorporated the RARE II proposal with a bill already passed by the Senate to designate the Aravaipa Canyon, a very meritorious proposal sponsored by my good friend, BARRY GOLDWATER. We incorporated another proposal, cosponsored by the entire Arizona delegation, dealing with BLM and Forest Service lands in the Arizona Strip. This measure, too, was built from the bottom up over several years of difficult, painstaking negotiations. It is an extraordinary example of what cooperation and compromise between business and conservation groups can produce, even when the subject is as emotional and controversial a subject as wilderness.

So I am proud to bring this bill before the House today: Proud of a bill that settles the land management question on nearly 3 million acres of public lands for the foreseeable future so that ranchers, miners, timber people, and other users of the land can get on with intelligent planning for

their business; proud of a bill that was put together by the hard work, cooperation and spirit of compromise of so many Arizonans; and most of all, proud of a bill that preserves more than 1 million acres of my State as my father and my father's father knew it when they came to Arizona and helped to build it, as I have known and enjoyed it throughout my life, and so my children and my children's children can know it and enjoy it throughout their lives.

Mr. Speaker, I urge the House to pass this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Arizona (Mr. McNULTY) that the House suspend the rules and pass the bill, H.R. 4707, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1310

PERMISSION TO FILE CONFERENCE REPORT AND MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON TOMORROW OR ANY DAY THEREAFTER ON H.R. 4072, WHEAT IMPROVEMENT ACT OF 1983

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on the bill (H.R. 4072) to provide for an improved program for wheat, that it may be in order to consider the conference report on Tuesday, April 3, 1984, or any day thereafter, and to waive all points of order against the conference report and its consideration, except under clause 4, rule XXVIII, and that the conference report be considered as read when it is called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, I take this time simply to confirm with the gentleman that this has been checked with the minority. That is my understanding, and am I correct?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, it has been cleared. We are in agreement, and it has been cleared with both my ranking minority member, the gentleman from Illinois (Mr. MADIGAN), and the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE MEDIA ACCENTUATES THE NEGATIVE IN COVERAGE OF REAGAN ECONOMIC RECOVERY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. I thank the Speaker.

Mr. Speaker, the Wall Street Journal reported recently on a survey of national media coverage of the Reagan economic recovery conducted by Holmes Brown, president of the Institute of Applied Economics. Mr. Brown concluded that the networks, instead of being nonpartisan annotators, were in reality alchemists who turned good news into bad. The media accentuated the negative in their coverage, implying that underneath the waves of prosperity tugged an undercurrent of economic misery.

I submit Mr. Brown's article for the RECORD. I think it provides a healthy dose of reality after living in the never-never-wonderland of the nightly news.

For example, in 1983, 95 percent of all economic statistics were very positive. Yet, the 3 networks, reporting on them 104 times during that year, ended their report 86 percent of the time on a negative note.

I guess you could say that to the national news media, Mr. Speaker, a round of silver lining is a dark cloud.

[From the Wall Street Journal, Mar. 16, 1984]

HOW TV REPORTED THE RECOVERY

(By Holmes M. Brown)

The national economy improved dramatically during 1983—but you might not have realized it if your only source of information had been the nightly news programs of the three major television networks.

How did the networks manage to turn the good news into bad news? According to a recent survey by the Institute for Applied Economics, the transposition was done by concentrating on the pockets of recession within the overall recovery, thereby implying that behind the good news of falling inflation and rising employment there were black clouds of economic misery.

SIX-MONTH SURVEY

When the sea change in economic news occurred in 1983, one might have expected that the networks would follow their practice during the recession of concentrating on the economic news and substantiating it with human-interest stories. To find out, the Institute for Applied Economics helped conduct a six-month, seven-night-a-week survey of the three major networks. We examined three key questions concerning network performance:

Did the networks fully report the news of the economic recovery?

Did the networks bias their reporting to play down the positive impact of the economy?

Did the networks use negative case studies to detract from the generally positive economic news?

Unemployment fell to 8.2% in December 1983 from 10.7% a year earlier. Total employment grew by four million during 1983.

On July 8, the Labor Department announced a drop in unemployment. CBS reported that while the Labor Department said the figures didn't justify claims of a true economic recovery, the president's top economist was calling the unemployment figures a new milestone in the business upturn. Dan Rather's coverage undercut the credibility of the administration's interpretation of the statistics. Reporter Ray Brady emphasized there were 1,250,000 jobless people seeking only 350,000 available jobs, and focused on worsening unemployment in certain industrial states. The entire emphasis of the report was on those who remained out of work—not on those who were returning to work.

In October, unemployment continued to fall, this time to 8.7% from 9.1% a month earlier, the lowest rate in 20 months. The three industries hit hardest by the recession—construction, mining and manufacturing—all showed improvement.

On Nov. 4, ABC stated that the unemployment drop was the result of many jobless Americans ending their search for work. The overall interpretation was that the "news is not as good as it sounds." Again the focus was not on the enormous number rehired, but on those yet to be rehired. ABC then implied that the Reagan administration's economic policy was a complete failure, and that there was a "chorus of demands that the government develop a national industrial policy" for which ABC turned to Democratic presidential candidates for their views. The news report that began with a 0.4-percentage-point drop in unemployment concluded: "With so many factory workers unemployed, political pressure for an industrial policy will continue to grow."

In November, unemployment dropped sharply to 8.4% from 8.7% a month earlier, the lowest level in two years. In just two months, the total of unemployed Americans dropped well over a million.

ABC used the Dec. 2 unemployment announcement to focus on those left behind by the recovery. Although the November unemployment figures in 45 of the 50 states were down. ABC did a story that began, "Now those unemployment figures again; it's here in the Midwest that unemployment is most severe." They located two upper-middle-class men who had been unemployed for 1½ years and focused on their experiences, with a story that lasted more than four minutes. A story that began with a 0.3-percentage-point drop in unemployment ended in complete despair and talk of suicide.

Another major positive statistic during the time of the study was the increase in the gross national product. In the third quarter, it grew at a robust 7.7% inflation-adjusted annual pace, surprising even the most optimistic economists.

NBC reporter Irving R. Levine, on Oct. 22 when the GNP boost was announced, deliv-

ered one of the most negative stories of the survey. The report focused on "pockets of poverty where recovery is still just a dream," undercutting President Reagan's economic policies and their relationship to the recovery. Mr. Reagan was shown saying "virtually every sector of the economy . . . is expanding, creating new hope in a more secure future." Mr. Levine focused on the limited areas where things were getting worse, stating that "beyond small programs to retrain workers, the administration is closing its eyes to regions bogged down in recession and sees no need to alter its economic policy."

Inflation continued to abate during the year. The producer price index grew by only 0.6% in 1983, the smallest increase in 20 years.

In July, the inflation rate for the first half of 1983 was announced at only 2.9%, a sharp decline from 3.9% a year before. CBS followed this news with a story featuring economist Pierre Rinfret, who said: "We kept the country in recession for three years, we've created unemployment as high as 13 million people, we idled most of the factories in this country, and put most of industry flat on its back. If you can't beat inflation with that, you can't do anything."

Food prices were also reported down, but that good news was also immediately countered by another economist who forecast that the weather was about to push prices back up. When inflation was rampant, television news regularly featured segments in supermarkets. Now that inflation was under control, there were no such segments. On July 28, Dan Rather reported: "Many people argue that any time inflation stays down, there's good news. Some others argue, yes, but the way you get it down matters, and if it stays down too much for too long the wealthy benefit disproportionally." Mr. Rather went on to relate a story about union work contracts, the ultimate implication give that bringing inflation under control—the biggest single political issue in the country months ago—was somehow, now that it had been accomplished, bad news, not good.

Factory output increased 6.5% during the year, according to the Federal Reserve Board—the best performance in seven years.

On July 15, ABC reported that factory production had risen a remarkable 1.1% in June from May. Anchor Max Robinson gave the announcement one sentence, and immediately followed it with the statement: "However, the economic changes triggered by the recession continued." ABC then ran a lengthy story on the troubles and the closing of a plant at International Harvester, a company beset by management and financial troubles for years.

PLANTS AND EQUIPMENT

Industrial capacity has increased a full 10% since the recession began. One of the last stages of recovery is expanded investment in new plants and equipment. On Dec. 9, CBS reported on a Ford Motor Co. official who said that $168 million was to be spent to improve the auto maker's Rouge Steel Plant—despite fear that the plant would be closed. This positive news announcement was immediately followed by a Ray Brady story focusing on the reluctance of others to invest in new equipment, and describing it as "the shadow which darkens the 11-month-old economic recovery."

During the entire period of the study, there were four to 15 economic-statistics stories a month. Nearly 95% of these statistical reports were positive. However, of the 104 economic stories of an in-depth or interpretative nature that were aired during this period on the three network evening news shows, 89—or 86%—were primarily negative.

The economic news was good in the second half of 1983. The coverage on network television was still in recession.

ECONOMIC POLICIES HELP ONLY THE SUPERRICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 4 years ago, then candidate Ronald Reagan asked the voters to ask themselves, "Are you better off than you were 4 years ago?" It is time to ask the question again. And if you are not a member of the superrich among us, the answer, despite the President's protestation of an overwhelming economic recovery, is a resounding "no."

It may come as a surprise to hear this. After all, the administration is claiming that unemployment has taken a downturn, inflation has subsided, and retail sales are increasing throughout the Nation. These facts are all true. But when put in the 4-year perspective, the changes in the economy do not appear to equal much of an accomplishment. Reaganomics, contrary to what the President would have us believe, has failed to produce a significant recovery. The only ones who are receiving significant benefit from the administration's programs are the superrich, and they are getting richer.

The administration's tax program, for example, was hailed as the first step on the road to economic recovery. The question is: Economic recovery for whom? Published studies have shown that the benefits gained from recent Federal tax reductions rise substantially with the amount of household income recorded. Under current policy, the richer you are now, the richer you are going to be in the future.

The view that the economy is improving for the country as a whole is supported only in comparisons of the current figures to the administration's own previous economic performance. For example, in January 1980, the unemployment rate was 6.2 percent. By November 1982, as a result of the implementation of the administration's policies, the unemployment rate had risen to 10.7 percent. When the President claims the current rate of 7.8 percent is a great accomplishment, I am skeptical. The fact is that the unemployment rate was 6.2 percent when the President took office, and now, over 3 years into his term, that rate is 7.8 percent. That does not sound like a wonderous achievement to me. I wonder how the administration can claim an improvement in the economy for taking the unemployment rate from 6.2 to 7.8 percent.

This is like buying a used bicycle, letting it deteriorate, and then trying to sell it as new. The Reagan administration is attempting to convince the American people that the economy is operating effectively. Luckily, the American people know enough about the state of the economy to recognize when economic indicators are being manipulated before their eyes. Present policies help those who need it the least—the extraordinarily wealthy Americans at the top.

Economic recovery is a misnomer when only the richest members of the population see any evidence of economic improvement. When unemployment is reduced to meaningful levels, when inflation is truly lowered, and when retail sales remain at high levels, then let the administration claim victory over the Nation's economic woes. Comparing the current economic indicators to those in 1980, and considering the present problems, it is difficult to see how current policies are successful in meeting the economic concerns of all Americans.●

CONFERENCE REPORT ON H.R. 4072

Mr. DE LA GARZA submitted the following conference report and statement on the bill (H.R. 4072) to provide for an improved program for wheat.

CONFERENCE REPORT (H. REPT. No. 98-646)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4072) to provide for an improved program for wheat, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Agricultural Programs Adjustment Act of 1984".

TITLE I—WHEAT

TARGET PRICES

SEC. 101. Section 107B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(b)(1)(C)) is amended by striking out "$4.45 per bushel for the 1984 crop, and $4.65 per bushel for the 1985 crop" and inserting in lieu thereof "and $4.38 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR WHEAT

SEC. 102. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B), (C), and (D)";

(2) adding at the end of paragraph (1) the following new subparagraphs:

"(C) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program, and (iii) a voluntary payment-in-kind land diversion program under which the acreage planted to wheat for harvest on the farm would be reduced by not less than 10 per centum nor more than 20 per centum of the acreage base for the farm, in addition to any reduction under the acreage limitation and land diversion programs provided for under clauses (i) and (ii), as determined by the Secretary. Under the payment-in-kind land diversion program, compensation in kind for diverted acres shall be made available to producers by the Secretary under such terms and conditions as the Secretary shall prescribe and in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that the rate of such compensation shall not be less than 85 per centum of the farm program payment yield. As a condition of eligibility for loans, purchases, and payments on the 1984 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.

"(D) For the 1985 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.";

(3) inserting "for the 1983 crop" immediately before the comma in the eighth sentence of paragraph (5); and

(4) inserting immediately before the last sentence of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1984 and 1985 crops of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1984 and 1985 crops of wheat whose acreage planted to wheat for harvest on the farm for each such crop is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate for the 1984 and 1985 crops of wheat shall be established by the Secretary at not less than $2.70 per bushel. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1984 and 1985 crops of wheat as soon as practicable after a producer enters into a land diversion contract with the Secretary for each such crop and in advance of any determination of performance.".

HAYING AND GRAZING DIVERTED WHEAT ACREAGE

SEC. 103. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by adding at the end thereof the following new paragraph:

"(8) Notwithstanding any other provision of this subsection, in carrying out acreage limitation, cash land diversion, and payment-in-kind land diversion programs for the 1984 crop of wheat, the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act for a State and subject to such terms and conditions as the Secretary may prescribe that are in no event more restrictive than those in effect for producers who participated in the payment-in-kind land diversion program for that part of the 1983 crop of wheat planted before January 11, 1983, all or any part of the acreage diverted from production under such programs by participating producers in such State to be devoted to hay and grazing.".

TITLE II—FEED GRAINS

TARGET PRICES

SEC. 201. Section 105B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444d(b)(1)(C)) is amended by striking out "$3.03 per bushel for the 1984 crop, and $3.18 per bushel for the 1985 crop" and inserting in lieu thereof "and $3.03 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR FEED GRAINS

SEC. 202. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(C) For the 1985 crop of feed grains, if the Secretary estimates that the quantity of corn on hand in the United States on September 30, 1985 (not including any quantity of corn produced in the United States during calendar year 1985), will exceed one billion one hundred million bushels, the Secretary (i) shall provide for a land diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 5 per centum and (ii) may provide for an acreage limitation program as described under paragraph (2). If the Secretary implements a combined acreage limitation program and land diversion program, the total reduction required by the Secretary in the acreage planted to feed grains for harvest on the farm shall not exceed 20 per centum of the acreage base for the farm. Any reduction required by the Secretary in excess of 15 per centum of the acreage base for the farm shall be equally proportioned between an acreage limitation program and a land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of feed grains, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the production on a farm must comply with the terms and conditions of such program."; and

(3) in paragraph (5)—

(A) adding immediately after the sixth sentence the following new sentence: "Notwithstanding the foregoing provisions of this paragraph, if the Secretary implements a land diversion program for the 1985 crop of feed grains under the provisions of paragraph (1)(C), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under paragraph (2), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph.";

(B) striking out "Such payments" in the eighth sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "Diversion payments made to producers under this paragraph";

(C) in the ninth sentence (as redesignated under subparagraph (a) of this paragraph)—

(i) striking out "for corn" and inserting in lieu thereof "for the 1983 crop of corn"; and

(ii) inserting immediately before the period at the end thereof ", and at not less than $1.50 per bushel for the 1985 crop of corn"; and

(D) striking out "1983 crop" in the eleventh sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "1983 and 1985 crops".

PRICE SUPPORT TO PRODUCERS WHO CUT CORN FOR SILAGE

SEC. 203. Section 105B(a) of the Agricultural Act of 1949 (7 U.S.C. 1444d(a)) is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary may make available loans and purchases, as provided in this subsection, to producers on a farm who cut for silage corn that they have produced of the 1984 and 1985 crops and who participate in the program provided for by the Secretary under subsection (e). Such loans and purchases may be made on a quantity of corn of the same crop, other than the corn cut for silage, acquired by the producer equivalent to a quantity determined by multiplying the acreage of corn cut for silage by the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such silage was obtained.".

TITLE III—UPLAND COTTON

TARGET PRICES

SEC. 301. Section 103(g)(3)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(3)(B)) is amended by striking out "$0.81 per pound for the 1984 crop, and $0.86 per pound for the 1985 crop" and inserting in lieu thereof "and $0.81 per pound for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR UPLAND COTTON

SEC. 302. Section 103(g)(9) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(9)) is amended by—

(1) in the first sentence of subparagraph (A), inserting "except as provided in the second and third sentences of this subparagraph," immediately after the first comma;

(2) inserting immediately after the first sentence of subparagraph (A) the following new sentences: "For the 1985 crop of upland cotton, if the Secretary estimates that the quantity of upland cotton on hand in the United States on July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed three million seven hundred thousand bales, the Secretary (i) shall provide for a land diversion program as described under subparagraph (B) under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by not less than 5 per centum and (ii) may provide for an acreage limitation program as described under this subparagraph under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 20 per centum in addition to the reduction required under clause (i). If the Secretary implements a combined acreage limitation program and land diversion program, any reduction required by the Secretary in excess of 25 per centum of the acreage base for the farm shall be made under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of upland cotton, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such program."; and

(3) adding at the end of subparagraph (B) the following new sentences: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of upland cotton under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of upland cotton whose acreage planted to upland cotton for harvest on the farm is reduced so that it does not exceed the upland cotton acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the upland cotton acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $0.275 per pound: Provided, That if the Secretary estimates that the quantity of upland cotton on hand in the United States on July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed (1) four million one hundred thousand bales, such rate shall be established by the Secretary at not less than $0.30 per pound, and (II) four million seven hundred thousand bales such rate shall be established by the Secretary at not less than $0.35 per pound. The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the 1985 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

TITLE IV—RICE

TARGET PRICES

SEC. 401. Section 101(i)(2)(C) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(2)(C)) is amended by striking out "$11.90 per hundredweight for the 1984 crop, and $12.40 per hundredweight for the 1985 crop" and inserting in lieu thereof "and $11.90 per hundredweight for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR RICE

SEC. 402. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

(1) striking out in the first sentence of subparagraph (A) "third and fourth" and inserting in lieu thereof "third, fourth, and fifth";

(2) inserting immediately after the third sentence of subparagraph (A) the following new sentence: "For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.";

(3) striking out "1983 crop" in the fifth sentence of subparagraph (A) (as redesignated under paragraph (2) of this section) and inserting in lieu thereof "1983 and 1985 crops";

(4) inserting immediately after the sixth sentence of subparagraph (B) the following new sentence: "Notwithstanding the foregoing provisions of this subparagraph if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.";

(5) striking out "Such payments" in the eighth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "Division payments made to producers under this subparagraph";

(6) in the ninth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section)—

(A) striking out "$3.00 per hundredweight," and inserting in lieu thereof "3.00 per hundredweight for the 1983 crop of rice,"; and

(B) inserting immediately before the period at the end thereof ", and at not less than $2.70 per hundredweight for the 1985 crop of rice: Provided, That if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed (I) thirty-five million hundredweight, such rate shall be established by the Secretary at not less than $3.25 per hundredweight, and (II) forty-two million five hundred thousand hundredweight, such rate shall be established by the Secretary at not less than $3.50 per hundredweight"; and

(7) striking out "1983 crop" in the tenth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "1983 and 1985 crops".

TITLE V—AGRICULTURAL EXPORTS

EXPORT ASSISTANCE

SEC. 501. It is the sense of Congress that the President should implement, as soon as practicable after the enactment of this Act, the actions, proposed by the Administration to complement the provisions of this Act, to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products thereof, as follows—

(1) for the fiscal year ending September 30, 1984, the President will—

(A) request congressional approval for the appropriation of funds in the amount of $150,000,000, in addition to the President's February 1984 request for a supplemental appropriation of $90,000,000, to carry out programs of assistance under titles I, II, and III of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

(B) direct the Secretary of Agriculture to increase funding, over the current budgeted level, for the Export Credit Guarantee Program (GSM-102), carried out through the Commodity Credit Corporation, by not less than $500,000,000; and

(2) for the fiscal year ending September 30, 1985, the President will—

(A) request congressional approval for the appropriation of funds in the amount of at least $175,000,000, in addition to the current funding level contained in the President's budget for that year, to carry out programs of assistance under titles I, II, and III of Public Law 480;

(B) direct the Secretary of Agriculture to increase funding, over the levels contained in the President's budget for that year or otherwise required by law, by not less than $1,100,000,000 for the Export Credit Guarantee Program (GSM-102) and by not less than $100,000,000 for direct export credit programs carried out through the Commodity Credit Corporation (GSM-5, GSM-201, and GSM-301); and

(C) request or use an additional amount of $50,000,000 (over the amounts specified in clauses (2)(A) and (2)(B)) either for in-

creased funding for direct export credit programs carried out through the Commodity Credit Corporation or for additional assistance under Public Law 480, in such proportions as determined necessary and appropriate by the President.

EXPANDED AUTHORITY FOR THE USE ABROAD OF COMMODITY CREDIT CORPORATION STOCKS; ACQUISITION AND DONATION OF ULTRA-HIGH-TEMPERATURE PROCESSED MILK

SEC. 502. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by—

(1) inserting "(a)" immediately after "SEC. 416.";

(2) striking out "section" each place that word appears and inserting in lieu thereof "subsection"; and

(3) adding at the end thereof the following new subsections:

"(b) Dairy products and wheat acquired by the Commodity Credit Corporation through price support operations, which the Secretary determines meet the criteria specified in subsection (a), may be furnished by the Secretary for carrying out title II of the Agricultural Trade Development and Assistance Act of 1954, as approved by the Secretary, and for such purposes as approved by the Secretary. The provisions of section 203 of that Act shall apply to commodities furnished under this subsection. Agreements may be entered into under this subsection to provide dairy products and wheat in installments over an extended period of time. To the maximum extent practicable, expedited procedures shall be used in implementing the provisions of this subsection. Commodities and products furnished under this subsection may be sold or bartered, as approved by the Secretary, solely as follows: (1) sales and barter which are incidental to the donation of the commodities or products, (2) sales and barter, the proceeds of which are used to finance the distribution, handling, and processing costs of the donated commodities in the importing country or other activities in the importing country that are consistent with providing food assistance to needy people, and (3) sales and barter of commodities and products donated to intergovernmental organizations, insofar as they are consistent with normal programming procedures in the distribution of commodities by those organizations. Except as provided in the foregoing sentence, no portion of the proceeds or services realized from such sales or barter may be used to meet operating and overhead expenses. The cost of commodities furnished under this subsection and expenses incurred under section 203 of that Act in connection therewith shall be in addition to the level of assistance programmed under that Act and shall not be considered expenditures for international affairs and finance. Notwithstanding the foregoing provisions of this subsection, dairy products and wheat may not be made available for disposition under this subsection in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available through donations to domestic feeding programs or agencies.

"(c) To prevent the waste of dairy products acquired by the Commodity Credit Corporation through price support operations, the Corporation, on such terms and under such regulations as the Secretary may prescribe, shall carry out a two-year pilot program under which the Corporation shall barter or exchange such dairy products, to the extent they are available, for forty thousand metric tons (consisting of twenty thousand metric tons in each year of the pilot program) of ultra-high temperature processed fluid milk. Such barter or exchange shall be effected on the basis of competitive bids submitted by domestic processors. The processed milk acquired by the Corporation under this subsection shall be available for donation through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Corporation may pay, with respect to such processed milk donated under this subsection, transporting, handling, and other charges, including the cost of overseas delivery. Any donations under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. The pilot program shall be implemented by the Corporation as soon as practicable after the enactment of the Agricultural Programs Adjustment Act of 1984 and shall be operated for a period of two years after its implementation. Upon completion of the pilot program, the Secretary shall submit a report to Congress on its operation.".

TITLE VI—AGRICULTURAL CREDIT

SHORT TITLE

SEC. 601. This title may be cited as the "Emergency Agricultural Credit Act of 1984".

NATURAL DISASTER EMERGENCY LOANS

SEC. 602. (a) Section 321(a) of the Consolidated Farm and Rural Development Act, (7 U.S.C. 1961(a)) is amended by adding at the end thereof the following new sentences: "The Secretary shall accept applications from, and make or insure loans pursuant to the requirements of this subtitle to, applicants, otherwise eligible under this subtitle, that conduct farming, ranching, or aquaculture operations in any county contiguous to a county where the Secretary has found that farming, ranching or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974. The Secretary shall accept applications for assistance under this subtitle from persons affected by a natural disaster at any time during the eight-month period beginning (A) on the date on which the Secretary determines that farming, ranching or aquaculture operations have been substantially affected by such natural disaster or (B) on the date the President makes the major disaster or emergency designation with respect to such natural disaster, as the case may be.".

(b) Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended by adding at the end thereof the following new sentence: "If farm assets (including land, livestock, and equipment) are used as collateral to secure a loan made under this subtitle, the Secretary shall value the assets based on the higher of (A) the value of the assets on the day before the date the governor of the State in which the farm is located requests assistance under this subtitle or the Disaster Relief Act of 1974 for any portion of such State affected by the disaster with respect to which the application for the loan is made, or (B) the value of the assets one year before such day.".

(c) The amendments made by this section shall be applicable to disasters occurring after May 30, 1983.

ECONOMIC EMERGENCY LOANS

SEC. 603. Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) inserting "(a)" immediately before "The provisions"; and

(2) adding at the end thereof the following new subsection:

"(b) With respect to the economic emergency loan program operated under this title during the period beginning December 22, 1983, and ending September 30, 1984, the Secretary—

"(1) shall make available—to eligible applicants during such period new contracts of insurance totaling, in the aggregate, $310,000,000, and

"(2) as appropriate to achieve the goals of the economic emergency loan program and taking into consideration the amount of funds used for loan guarantees, may make available to eligible applicants during such period additional new contracts of insurance totaling, in the aggregate, not more than $290,000,000.".

OPERATING LOANS

SEC. 604. (a) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$200,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, inserting "(or, in the case of loans for farm operating purposes, fifteen years)" after "seven years"; and

(2) in the fifth sentence, striking out "The interest rate" and inserting in lieu thereof "Except as otherwise provided for farm loans under section 331B of this title, the interest rate".

FARM LOAN INTEREST RATES

SEC. 605. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by inserting after section 331A the following new section:

"SEC. 331B. Any loan for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, or disaster emergency purposes under subtitle C of this title, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized under this title shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.".

CONFLICTS OF INTEREST

SEC. 606. Section 336 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended by—

(1) designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) inserting after subsection (a) (as designated under clause (a) of this section) the following new subsection:

"(b) Except as otherwise provided in this subsection, no officer or employee of the Department of Agriculture who acts on or reviews an application made by any person

under this title for a loan to purchase land may acquire, directly or indirectly, any interest in such land for a period of three years after the date on which such action is taken or such review is made. This prohibition shall not apply to a former member of a county committee provided for in section 332 of this title upon a determination by the Secretary, prior to the acquisition of such interest, that such former member acted in good faith when acting on or reviewing such application.".

LIMITED RESOURCE BORROWERS

SEC. 607. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1984 shall be for low-income, limited-resource borrowers.

"(2) The Secretary shall provide notification to farm borrowers under this title, as soon as practicable after the date of enactment of the Emergency Agricultural Credit Act of 1984 and in the normal course of loan making and loan servicing operations, of the provisions of this title relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low income, limited-resource borrower program.".

AMORTIZATION OF DELINQUENT FARMERS HOME ADMINISTRATION LOANS

SEC. 608. Notwithstanding any other provision of law, the Secretary of Agriculture may develop and implement a program for the amortization of delinquent Farmers Home Administration loans from future revenues generated by timber crops planted and managed on lands previously used to produce commodities or pasture and subject to Farmers Home Administration liens. The Secretary shall submit a report to Congress by October 1, 1984, outlining the feasibility of such program and the plan for its implementation.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill.

On all provisions except as noted below:

E DE LA GARZA,
THOMAS S. FOLEY,
ED JONES,
GEORGE E. BROWN, JR.,
CHARLIE ROSE,
LEON E. PANETTA,
JERRY HUCKABY,
On all matters except those relating to section 103 and title II of the Senate amendments and modifications committed to conference.
CHARLIE WHITLEY,
LANE EVANS,
BERKLEY BEDELL,
In lieu of Mr. HUCKABY on matters solely relating to section 103 and title II of the Senate amendments and modifications committed to conference.
EDWARD MADIGAN,
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On all matters except those relating to sections 502 and 503 of the Senate amendments and modifications committed to conference.
JAMES M. JEFFORDS,
In lieu of Mr. ROBERTS on matters relating solely to sections 502 and 503 of the Senate amendments and modifications committed to conference.

Additional conferees solely for title V of the Senate amendments and modifications committed to conference:

DANTE FASCELL,
LEE H. HAMILTON,
DON BONKER,
SAM GEJDENSON,
PETER H. KOSTMAYER,
TOBY ROTH,
DOUGLAS BEREUTER,
Managers on the Part of the House.

JESSE HELMS,
BOB DOLE,
DICK LUGAR,
THAD COCHRAN,
RUDY BOSCHWITZ,
WALTER D. HUDDLESTON,
JOHN MELCHER,
DAVID PRYOR,
With the exception of those provisions relating to cotton and rice.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4072) to provide for an improved program for wheat, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text. The committee of conference recommends a substitute for both the House bill and the Senate amendment.

Except for clarifying, clerical, and necessary conforming changes, the differences between the two Houses and the substitute agreed to in the conference are noted below:

TITLE I—WHEAT

(1) PROVISIONS FOR THE 1984 CROP

(a) The House bill requires the Secretary of Agriculture to provide for an acreage reduction program for the 1984 crop of wheat under which the farm wheat acreage would be limited to the farm acreage base reduced by 30 percent, consisting of a 20 percent reduction under an acreage limitation program and a 10 percent reduction under a paid diversion program. (Sec. 3(2))*

The Senate amendment is the same, except that the Secretary must provide for a reduction of not more than 30 percent of the farm acreage base, consisting of not more than a 20 percent reduction under the acreage limitation program and of a 10 percent reduction under the paid diversion program. (Sec. 102(2))

The Conference substitute adopts the Senate provision. (Sec. 102(2))

(b) The House bill provides that the diversion payment rate shall not be less than $3 per bushel, except that the rate may be reduced up to 10 percent if the Secretary determines that the same program objective could be achieved with the lower rate. (Sec. 3(4))

The Senate amendment provides that the diversion payment rate shall be not less than $2.70 per bushel. (Sec. 102(4))

The Conference substitute adopts the Senate provision. (Sec. 102(4))

(c) The House bill requires the Secretary to make advance deficiency payments available to producers who agree to participate in the 1984 wheat program. (Sec. 4)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(d) The Senate amendment requires the Secretary to provide for a voluntary payment-in-kind diversion program for the 1984 wheat crop, in addition to the combined acreage limitation and paid diversion programs, under which the wheat acreage would be reduced between 10 and 20 percent of the farm acreage base at a payment rate of not less than 85 percent of the farm program payment yield. (Sec. 102(2))

The House bill provides for the same PIK payment rate but does not specify the reduction to be made under the PIK program. (Sec. 3(4))

(NOTE.—The 1984 crop wheat program announced by the Secretary provides for a voluntary PIK program with the same reduction as provided for in the Senate amendment.)

The Conference substitute adopts the Senate provision. (Sec. 102(2))

(e) The House bill requires that for the 1984 crop of wheat the Secretary must treat land farmed under summer fallow practices in the same manner as for the 1983 crop. (Sec. 3(3))

The Senate amendment contains no comparable provision.

(NOTE.—The Secretary has announced summer fallow provisions for the 1984 wheat crop similar to those in effect for 1983.)

The Conference substitute deletes the House provision.

(f) The House bill requires the Secretary to permit the diverted acreage under the 1984 crop wheat acreage limitation and paid diversion programs to be devoted to hay and grazing. (Sec. 3(2))

The Senate amendment contains a similar provision that would require the Secretary to permit the diverted acreage to be devoted to hay and grazing but only at the option of each State ASC Committee. The Senate

*The section references following (i) the description of the House bill, (ii) the description of the Senate amendment, and (iii) the description of the Conference substitute are references to sections of H.R. 4072 as passed by the House, the Senate amendment thereto, and the Conference substitute, respectively.

amendment would also (i) make the provision applicable as well to the diverted acreage under the voluntary PIK program, and (ii) require that the terms and conditions established by the Secretary be no more restrictive than those in effect for producers who participated in the PIK program for that part of the 1983 crop of wheat planted before January 11, 1983. (Sec. 103)

The Conference substitute adopts the Senate provision. (Sec. 103)

(2) PROVISIONS FOR THE 1985 CROP

The Senate amendment requires the Secretary to provide for an acreage reduction program for the 1985 crop of wheat under which the farm wheat acreage would be limited to the farm acreage base reduced by not more than 30 percent, consisting of a reduction of not more than 20 percent under an acreage limitation program and a reduction of 10 percent under a paid diversion program. As a condition of eligibility for program benefits on such crop, producers on a farm must comply with the combined acreage limitation and paid diversion program. (Sec. 102(2))

The Senate amendment also provides that for the 1985 crop paid diversion program, producers would receive payment at a rate of not less than $2.70 per bushel and advance diversion payments of not less than 50 percent as soon as practicable after they enter into a land diversion contract with the Secretary. (Sec. 102(4))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. Although the Conference substitute makes no reference to the implementation of a payment-in-kind program for the 1985 crop, the conferees note that the Secretary has discretionary authority under existing law to implement a payment-in-kind program for the 1985 crop of wheat, feed grains, upland cotton, and rice if the Secretary determines that such a program is necessary and appropriate. The conferees understand that the summer fallow provisions in effect for the 1984 wheat program will also apply to the 1985 program. (Secs. 102(2) and 102(4))

TITLE II—FEED GRAINS

(3) TARGET PRICES

The Senate amendment establishes the target price for the 1985 crop of corn at not less than $3.03 per bushel—the same as for the 1984 crop. Under current law the minimum target price for the 1985 crop of corn would be $3.18 per bushel. (Sec. 201)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 201)

(4) ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR FEED GRAINS

The Senate amendment requires that, if the Secretary estimates that the carryover level of corn in the United States on September 30, 1985 (excluding any corn produced in the United States during calendar year 1985) will exceed 1.1 billion bushels, the Secretary must implement a program for the 1985 crop of feed grains under which the farm feed grain acreage would be limited to the farm feed grain acreage base reduced by a total of not more than 20 percent, consisting of (i) a paid diversion of not less than 5 percent with a payment rate of not less than $1.05 per bushel for corn, and (ii) at the discretion of the Secretary, an acreage limitation program. In addition, the Senate amendment provides that any total acreage reduction in excess of 15 percent of the acreage base for the farm (up to the maximum reduction of 20 percent) must be equally proportioned between an acreage limitation program and a paid diversion program.

The Senate amendment further requires the Secretary to make advance diversion payments of not less than 50 percent to producers of the 1985 crop as soon as practicable after they enter into a land diversion contract with the Secretary. As a condition of eligibility for program benefits on the 1985 crop, producers on a farm must comply with the paid diversion program or combined paid diversion and acreage limitation program. (Sec. 202)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to clarify the authority of the Secretary to make price support loans and purchases available to eligible producers who cut for silage corn of the 1984 and 1985 crops. Under the Conference substitute, the loans and purchases would be based on a quantity of corn of the same crop, other than the corn cut for silage, acquired by the producer equivalent to a quantity determined by multiplying the acreage of corn cut for silage by the lower of the farm program payment yield or the actual yield on a field that the Secretary determines is similar to the field from which the silage was obtained. (Secs. 202 and 203)

TITLE III—UPLAND COTTON

(5) TARGET PRICES

The Senate amendment establishes the target price for the 1985 crop of upland cotton at not less than 81 cents per pound—the same as for the 1984 crop. Under current law the minimum target price for the 1985 crop of upland cotton would be 86 cents per pound. (Sec. 301)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 301)

(6) ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR UPLAND COTTON

The Senate amendment requires that, if the Secretary estimates that the carryover level of upland cotton in the United States on July 31, 1985 (excluding any upland cotton produced in the United States during calendar year 1985) will exceed 3.7 million bales, the Secretary must provide for a combination of an acreage limitation program and a paid diversion program under which the farm upland cotton acreage would be limited to the farm upland cotton acreage base reduced by not less than 25 percent. The combined program would consist of (i) a 20 percent acreage limitation program, and (ii) a paid diversion program equal to the difference between the 20 percent reduction under the acreage limitation program and the total reduction required for the farm.

If a paid diversion program is implemented for the 1985 crop, the Senate amendment requires that the Secretary make diversion payments at a rate of not less than 25 cents per pound, except that if the Secretary estimates that the carryover level for upland cotton on July 31, 1985, will exceed (i) 4.1 million bales, the payment rate will increase to at least 30 cents per pound, and (ii) 4.7 million bales, the payment rate will increase to at least 35 cents per pound.

The Senate amendment further requires the Secretary to make advance diversion payments of not less than 50 percent to producers of the 1985 crop as soon as practicable after they enter into a land diversion contract with the Secretary. As a condition of eligibility for program benefits on the 1985 crop, producers on a farm must comply with the combined acreage limitation and paid diversion program. (Sec. 302)

The House bill contains no comparable provision.

The Conference substitute would require that if the Secretary estimates that the carryover level of upland cotton on July 31, 1985, will exceed 3.7 million bales, the Secretary (i) must provide for a paid diversion program under which the upland cotton acreage would be limited to the farm upland cotton acreage base reduced by not less than 5 percent, and (ii) may provide for an acreage limitation program under which an additional reduction in acreage of up to, but not exceeding, 20 percent could be required. If the Secretary elects to implement a combination paid diversion program and acreage limitation program requiring a total acreage reduction for the farm in excess of 25 percent, the portion of the reduction over 25 percent must be provided for under the paid diversion program. In addition, the Conference substitute provides that if a paid diversion program is implemented for the 1985 crop and the upland cotton carryover level on July 31, 1985, is estimated by the Secretary to be in excess of 3.7 million bales, but not over 4.1 million bales, the Secretary shall make diversion payments at a rate of not less than 27.5 cents per pound. If the carryover level on that date exceeds the trigger level of 4.1 or 4.7 million bales, the payment rate would increase to the level in the Senate provision. (Sec. 302)

TITLE IV—RICE

(7) TARGET PRICES

The Senate amendment establishes the target price for the 1985 crop of rice at not less than $11.90 per hundredweight—the same as for the 1984 crop. Under current-law the minimum target price for the 1985 crop of rice would be $12.40 per hundredweight. (Sec. 401)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 401)

(8) ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR RICE

The Senate amendment requires that, if the Secretary estimates that the carryover level of rice in the United States on July 31, 1985 (excluding any rice produced in the United States during calendar year 1985) will exceed 25 million hundredweight, the Secretary must provide for a combination of an acreage limitation program and a paid diversion program under which the farm rice acreage would be limited to the farm rice acreage base reduced by not less than 25 percent. The combined program would consist of (i) a 20 percent acreage limitation program, and (ii) a paid diversion program equal to the difference between the 20 percent reduction under the acreage limitation program and the total reduction required for the farm.

If a paid diversion program is implemented for the 1985 crop, the Senate amendment requires that the Secretary make diversion payments at a rate of not less than $2.70 per hundredweight, except that if the Secretary estimates that the carryover level of rice on July 31, 1985, will exceed 42.5 million hundredweight, the payment rate will increase to at least $3.50 per hundredweight.

The Senate amendment further requires the Secretary to make advance diversion payments of not less than 50 percent to producers of the 1985 crop as soon as practicable after they enter into a land diversion contract with the Secretary. As a condition of eligibility for program benefits on the 1985 crop, producers on a farm must comply with the combined acreage limitation and paid diversion program. (Sec. 402)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment providing for a third trigger level and associated payment rate for the 1985 crop land diversion program. Under the Conference substitute, if the Secretary implements a paid diversion program for rice and the rice carryover level on July 31, 1985, is estimated by the Secretary to be in excess of 35 million hundredweight, but not over 42.5 million hundredweight, the Secretary must make diversion payments at a rate of not less than $3.25 per hundredweight. (Sec. 402)

The conferees note that the Agriculture and Food Act of 1981 contained a series of provisions modifying the peanut price support and acreage allotment and quota programs. With respect to price support, the Act established new provisions for quota peanuts. For each of the 1983 through 1985 crops, it provides for an increase in the support level above that for the preceding crop to reflect any annual increase in the cost of production, excluding any increase in the cost of land, with a cap on the increase for any crop of 6 percent. The Secretary has, since the enactment of that legislation, revised the method for computing the cost of production of peanuts. In doing so, the Secretary has, among other things, changed the treatment of the factor of management from the manner in which it had customarily been treated in the computation. The result has been, in effect, a reduction in the computed cost of production and thus a possible negative impact on the support price for quota peanuts not intended by Congress. The conferees urge the Secretary to reconsider this action so that the support level for quota peanuts may be determined in the manner prescribed and intended by Congress when it adopted the 1981 Act.

The conferees further note that when Congress made major revisions in the peanut program in 1981, a primary objective was to move in the direction of placing quotas in the hands of those who actually produce the peanuts. A series of statutory changes were designed to achieve this objective. One of the changes provided that any required reductions in the State quota were to be achieved by reducing the quota for each farm in the State to the extent that the quota had not been produced on the farm—in some cases, if the quota had not been produced in 2 of the 3 preceding years. Another change encouraged those who were not producing peanuts to sell their quotas to actual producers. Under the literal terms of the law, some purchasers of quotas under the latter change have been caught by the former—their newly-bought quotas have essentially been "reduced away" since the quotas had not been produced in 2 of the 3 preceding years. Other similar situations exist. To avoid inequitable results that may arise in certain cases, the conferees remind the Secretary that there is authority in section 702 of the 1981 Act to achieve the necessary quota reductions "on such fair and equitable basis as the Secretary may by regulation prescribe".

TITLE V—AGRICULTURAL EXPORTS

(9) EXPORT ASSISTANCE

The Senate amendment expresses the sense of Congress that, as soon as practicable after enactment of the bill, the President should implement certain actions, proposed by the Administration to complement the provisions of the bill, to further assist in the development, maintenance, and expansion of United States agricultural export markets as follows:

(1) For fiscal year 1984, the President will—

(i) request that an additional $150 million (in addition to the February 1984 supplemental request for $90 million) be appropriated by Congress to carry out programs under Public Law 480, and

(ii) direct the Secretary to increase funding for the Commodity Credit Corporation export credit guarantee program by at least $500 million over current budgeted levels; and

(2) For fiscal year 1985, the President will—

(i) request Congress to appropriate at least $175 million over the fiscal year 1985 budgeted level to carry out programs under Public Law 480,

(ii) direct the Secretary to increase funding over the fiscal year 1985 budgeted levels, or the levels otherwise required by law, by at least $1.1 billion for the CCC export credit guarantee program and by at least $100 million for CCC direct export credit programs, and

(iii) request that Congress appropriate, or direct the Secretary to use CCC funds in the amount of, $50 million over the amounts specified above, for additional Public Law 480 funding or for additional direct export credit assistance through CCC, in such proportions as the President determines. (Sec. 501)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. The conferees note that severe food shortages exist in a number of poor countries. In particular, concern was expressed with regard to the drought-stricken areas of Africa. The conferees urge the Administration to move as large a volume of commodities as possible under Public Law 480 to Africa for use in those areas where needed. (Sec. 501)

(10) ACQUISITION AND DONATION OF ULTRA-HIGH TEMPERATURE PROCESSED MILK

The Senate amendment requires the Commodity Credit Corporation, on terms and under regulations prescribed by the Secretary, to carry out a 2-year pilot program under which CCC will use surplus CCC dairy products—to the extent they are available—to acquire, through barter or exchange, 40,000 metric tons (20,000 tons in each year) of ultra-high temperature processed fluid milk for donation through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States. The barter or exchange is to be carried out on the basis of competitive bids submitted by domestic processors. CCC may pay transportation, handling, and other charges, including the cost of overseas delivery, with respect to the donated milk. Donations must be coordinated through the mechanism designated by the President to coordinate assistance under Public Law 480, and donations are to be in addition to the level of assistance programmed under that law. On completion of the pilot program, the Secretary is to report to Congress on its operation. (Sec. 502)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. The conferees note that the Senate provision would not require CCC to do an impossible act. The stated purpose of the provision is to "prevent the waste of dairy products acquired by the Commodity Credit Corporation." If it proves impossible to distribute ultra-high temperature milk to needy persons abroad without undue waste, CCC would not have to do so. The provision simply requires CCC to carry out a pilot program for 2 years using 20,000 metric tons of ultra-high temperature milk each year if surplus CCC stocks are available. The provision provides that the ultra-high temperature milk will be available for donation through foreign governments and public and nonprofit private humanitarian organizations. Therefore, CCC would have to receive requests from foreign nations or humanitarian organizations before it would be required to acquire or make available ultra-high temperature milk. CCC would not be required to ship milk to, or otherwise distribute milk in, areas where the milk was not needed or wanted. Moreover, the conferees intend that the pilot program be operated in such a manner as not to disrupt commercial markets. Accordingly, the conferees expect the Secretary and CCC to take reasonable precautions to assure that commodities furnished under this provision will not displace or interfere with sales that might otherwise be made. (Sec. 502)

(11) EXPANDED AUTHORITY FOR THE USE ABROAD OF COMMMODITY CREDIT CORPORATION STOCKS

The Senate amendment expands the current authority for CCC to donate surplus dairy products to needy persons in foreign countries under section 416 of the Agricultural Act of 1949 to include donations of CCC acquired wheat stocks as well for direct distribution, and for sale and use for barter as approved by the Secretary, of the donated dairy products and wheat for the benefit of needy persons. Any such donation, sale, and barter would be made through foreign governments and public and private nonprofit humanitarian organizations. The *Senate* amendment further authorizes CCC to pay transportation, reprocessing, packaging, and similar costs associated with such donations and to enter into multi-year agreements to provide the donated commodities. The proceeds and services realized from the sale and barter by humanitarian organizations would be used for activities approved by the Secretary that are consistent with providing assistance to needy persons. In addition, the *Senate* amendment prohibits the use of any proceeds from the barter or sale of the donated commodities to meet the operating and overhead expenses of any humanitarian organization through which they are distributed, requires that the donations under this provision be coordinated with assistance provided under Public Law 480, and requires that the donations be in addition to assistance programmed under Public Law 480. (Sec. 503)

The House bill contains no comparable provision.

The Conference substitute provides for the donation of dairy products and wheat for carrying out title II of Public Law 480, as approved by the Secretary, and for such purposes as approved by the Secretary. The provisions of section 203 of that Act, relat-

ing to the incidental expenses which may be borne by CCC, would apply to the donated commodities and products. Under the Conference substitute, agreements may be entered into to provide dairy products and wheat in installments over an extended period of time. To the maximum extent practicable, expedited procedures shall be used to carry out these provisions. The type of expedited procedures to which the Conference substitute makes reference are those that have been developed recently by the Administration to expedite the flow of section 416 dairy products donated abroad under current law.

The Conference substitute would permit the sale and barter of the donated commodities and products, but restricts such sales and barter to those approved by the Secretary and solely for the following purposes—

(1) sales and barter which are incidental to the donation of the commodities or products, such as sales and barter of goods which are damaged or otherwise unfit for distribution to needy people,

(2) sales and barter, the proceeds of which are used to finance the distribution, handling, and processing costs of the donated commodities in the importing country or other activities in the importing country that are consistent with providing food assistance to needy people, and

(3) sales and barter of commodities and products donated to intergovernmental organizations, insofar as they are consistent with normal programming procedures in the distribution of commodities by those organizations.

Except as authorized by the foregoing provisions, no portion of the proceeds or services realized from such sales or barter may be used to meet operating and overhead expenses. The Conference substitute also provides that the cost of commodities furnished and expenses incurred under section 203 of Public Law 480 in connection therewith would be in addition to the level of assistance programmed under Public Law 480 and not considered expenditures for international affairs and finance. In no event may dairy products and wheat be made available for disposition in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available through donations to domestic feeding programs or agencies. (Sec. 502)

TITLE VI—AGRICULTURAL CREDIT

(12) SHORT TITLE

The Senate amendment provides that this title may be cited as the "Emergency Agricultural Credit Act of 1984". (Sec. 601)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 601)

(13) NATURAL DISASTER EMERGENCY LOANS

(a) The Senate amendment requires that the Secretary accept applications from and make or insure natural disaster emergency loans to otherwise eligible applicants that conduct farming, ranching, or aquaculture operations in a county contiguous to a county where the Secretary has found that such operations have been substantially affected by a natural disaster or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974. This provision is applicable to disasters occurring on or after May 31, 1983. (Sec. 602(a))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 602(a))

(b) The Senate amendment requires that the Secretary accept emergency loan applications from persons affected by a natural disaster at any time during the 8-month period following the date (i) on which the Secretary determines that such persons have been substantially affected by the natural disaster, or (ii) the date on which the President makes the major disaster or emergency designation with respect to the natural disaster affecting the applicants. This provision is applicable to disasters occurring on or after May 31, 1983. (Sec. 602(b))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 602(a))

(c) The Senate amendment provides that if farm assets (including land, livestock, and equipment) are used as collateral for an emergency loan, the Secretary is to value the assets based on the higher of (i) their value on the day before the date the governor of the State in which the farm is located requests Federal assistance under the emergency loan provisions of the Consolidated Farm and Rural Development Act or the Disaster Relief Act of 1974, or (ii) their value 1 year before such day. This provision is applicable to disasters occurring on or after May 31, 1983. (Sec. 602(c))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 602(b))

(14) ECONOMIC EMERGENCY LOANS

The Senate amendment provides that, with respect to the $600 million economic emergency loan program operated during the period beginning December 22, 1983, and ending September 30, 1984, the Secretary is to make $310 million available in insured loans to eligible applicants. The Senate amendment also provides that the Secretary may make an additional $290 million available for insured loans to eligible applicants, as appropriate to achieve the goals of the economic emergency loan program and taking into consideration the amount of funds used for loan guarantees. (Sec. 603)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 603).

(15) OPERATING LOANS

(a) The Senate amendment raises the loan limits for farm operating loans. The loan limit for direct or insured farm operating loans to any one borrower would be $200,000, instead of $100,000 as under current law. The loan limit for guaranteed farm operating loans to any one borrower would be $400,000, instead of $200,000 as under current law. (Sec. 604(a))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 604(a))

(b) The Senate amendment extends the maximum repayment period for farm operating loans that are consolidated or rescheduled from 7 to 15 years. (Sec. 604(b))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 604(b))

(16) FARM LOAN INTEREST RATES

The Senate amendment provides that any Farmers Home Administration loan made for farm ownership, farm operating, or disaster emergency purposes (other than a guaranteed loan) that is deferred, consolidated, rescheduled, or reamortized is to bear interest on the balance of the original loan and for the term of that loan at a rate that is the lower of (i) the rate of interest on the original loan, or (ii) the rate currently being charged by the Secretary for loans (other than guaranteed loans) of the same type at the time of the deferral, consolidation, rescheduling, or reamortization. (Sec. 605)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 605)

(17) LIMITED RESOURCE BORROWERS

The Senate amendment provides that not less than 20 percent of the insured farm ownership and insured farm operating loans made during fiscal year 1984 shall go to eligible low-income, limited resource borrowers. The Senate amendment also provides that the Secretary shall, as soon as practicable after the date of enactment of the bill and in the normal course of loan making and servicing operations, notify Farmers Home Administration farm borrowers of the provisions pertaining to low-income, limited resource loans and the procedures by which persons may apply for such loans. (Sec. 606)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. The conferees intend that funds designated for farm operating loans for low-income, limited-resource applicants may be used within a State for farm operating loans for other applicants to the extent that funds designated for farm operating loans for low-income, limited-resource applicants exceed the demand for those funds. (Sec. 607)

(18) CONFLICTS OF INTEREST

The Senate amendment prohibits any officer or employee of the Department of Agriculture—who acts on or reviews an application made by any person under the Consolidated Farm and Rural Development Act for a loan to purchase land—from acquiring, either directly or indirectly, any interest in such land for 3 years after the date on which the action on the application is taken or review of the application is made. (Sec. 607)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with a modification. As modified, the conference substitute applies to officers or employees of the Department of Agriculture, including members of Farmers Home Administration county committees, who act on or review applications for loans to purchase land. The prohibition does not apply to a former member of the FmHA county committee if the Secretary finds that the former member acted in good faith in acting on or reviewing the loan application. The conferees intend that the Secretary make such a determination only on the basis of clear and convincing evidence submitted by the former member and after consideration of all the relevant circumstances. The conferees point out that the provisions of this section would not apply to a county committee member who recuses himself from any consideration of or action on a particular loan application.

The conferees intend that the Secretary, to the maximum extent feasible, make arrangements for the operation or leasing of any interest in farmland acquired or held by the Secretary under the provisions of the

Consolidated Farm and Rural Development Act and the Emergency Agriculture Credit Adjustment Act of 1978 through the use of bid procedures deemed to protect the Government's interest in such property.

It is also the intention of the conferees that the Secretary carefully manage the sale of such property in order to protect the value of the Nation's farmland. In general, land should not be offered for sale in areas in which there are already excess quantities of farmland on the market. (Sec. 606)

(19) AMORTIZATION OF DELINQUENT FARMERS HOME ADMINISTRATION LOANS

The Senate amendment authorizes the Secretary, in his discretion, to develop and implement a program for the amortization of delinquent Farmers Home Administration loans from future revenues generated by timber crops planted and managed on lands that were previously used to produce commodities or pasture and that are subject to existing FmHA liens. The Secretary would be required to report to Congress within 180 days after enactment of the bill on the feasibility of such a program and the plan for its implementation. (Sec. 608)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Sec. 608)

On all provisions except as noted below:

E DE LA GARZA,
THOMAS S. FOLEY,
ED JONES,
GEORGE E. BROWN, Jr.,
CHARLIE ROSE,
LEON E. PANETTA,
JERRY HUCKABY,
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WALTER D. HUDDLESTON,
JOHN MELCHER,
DAVID PRYOR,
With the exception of those provisions relating to cotton and rice.
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. GEPHARDT (at the request of Mr. WRIGHT), for Tuesday, March 27, on account of a necessary absence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, on April 5.

Mr. GINGRICH, for 60 minutes, on April 5.

Mr. WEBER, for 60 minutes, on April 5.

Mr. WALKER, for 60 minutes, on April 9.

Mr. GINGRICH, for 60 minutes, on April 9.

Mr. WEBER, for 60 minutes, on April 9.

Mr. WEBER, for 60 minutes, on April 10.

Mr. GINGRICH, for 60 minutes, on April 10.

Mr. WALKER, for 60 minutes, on April 11.

Mr. WEBER, for 60 minutes, on April 11.

Mr. GINGRICH, for 60 minutes, on April 11.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and to include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PEPPER, for 60 minutes, on April 3.

Mr. GARCIA, for 60 minutes, on April 4.

Mr. GORE, for 60 minutes, on April 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. GUNDERSON.
Mr. HYDE.
Mr. LAGOMARSINO in three instances.
Mr. SOLOMON.
Mr. WORTLEY.
Mr. MCCAIN.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. BROWN of California in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. JONES of Tennessee in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. HAMILTON in 10 instances
Mrs. LLOYD in five instances.
Mr. GORE.
Mr. MOODY.
Mr. OTTINGER.
Ms. OAKAR in three instances.
Mr. STARK.
Mrs. SCHROEDER.
Mr. DOWNEY of New York.
Mr. GARCIA.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1132. An act to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures; to the Committee on Energy and Commerce.

S. 2391. An act to amend title 38, United States Code, to provide emergency interim solvency for the Veterans' Administration's Loan Guaranty Fund by providing for the deposit of loan fees in the Fund and by increasing the fees; to the Committee on Veterans' Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following titles:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 3, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3048. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1984, and amendments reducing the request for appropriations for fiscal year 1985, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-193); to the Committee on Appropriations and ordered to be printed.

3049. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the annual report of the Federal Financial Institutions Examination Council for 1983; to the Committee on Banking, Finance and Urban Affairs.

3050. A letter from the Comptroller General, General Accounting Office, transmitting comments on the enrolled actuary's report on the disability retirement rate for police officers and firefighters for the District of Columbia, pursuant to Public Law 96-122, section 145(b)(1) (97 Stat. 727); to the Committee on the District of Columbia.

3051. A communication from the President of the United States, transmitting final report on the participation of U.S. Armed Forces in the multinational force (MNF) in Lebanon, pursuant to Public Law 98-119, section 4 (H. Doc. No. 98-194); to the Committee on Foreign Affairs and ordered to be printed.

3052. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3053. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting a report of political contributions by Stephen W. Bosworth, Ambassador-designate to the Republic of the Philippines, and members of his family, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3054. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's seventh annual report on its activities under the Government in the Sunshine Act during calendar year 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3055. A letter from the Chairman, National Labor Relations Board, transmitting a report of the Board's activities under the Government in the Sunshine Act during calendar year 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3056. A letter from the Director, Information Security Oversight Office, General Services Administration, transmitting a copy of the Information Security Oversight Office's (ISOO) annual report to the President for fiscal year 1983; to the Committee on Government Operations.

3057. A letter from the Board of Directors, Tennessee Valley Authority, transmitting the 50th annual report of activities during the fiscal year beginning October 1, 1982, and ending September 30, 1983, pursuant to the act of May 18, 1933, chapter 32, section 9(a) (90 Stat. 377); to the Committee on Public Works and Transportation.

3058. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with other pertinent reports, on Horn Lake Creek and tributaries, Tennessee and Mississippi. The report is in response to section 101(A) of the 1976 Water Resources Development Act (H. Doc. 98-195); to the Committee on Public Works and Transportation and ordered to be printed.

3059. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Miami River, Little Miami River, interim report No. 2, West Carrollton, Holes Creek, Ohio, together with other pertinent reports (H. Doc. No. 98-196); to the Committee on Public Works and Transportation and ordered to be printed.

3060. A letter from the Chairman, U.S. International Trade Commission, transmitting the 37th quarterly report on trade between the United States and nonmarket economy countries, pursuant to Public Law 93-618, section 411(c) and Reorganization Plan No. 3 of 1979; to the Committee on Ways and Means.

3061. A letter from the Administrator, Agency for International Development, Department of State, transmitting the annual report on minority recruitment for the Agency for International Development, pursuant to Public Law 96-465, section 105(d); jointly, to the Commitees on Foreign Affairs and Post Office and Civil Service.

3062. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on the Permanent Select Committee on Intelligence, Armed Services, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee of conference. Conference report on H.R. 4072 (Rept. No. 98-646). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on Mar. 29, 1984, the following report was filed on Mar. 31, 1984]

Mr. JONES of Oklahoma: Committtee on the Budget: House Concurrent Resolution 282. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; referred to the Committee on Rules for a period ending not later than April 3, 1984, for consideration of such portions of the concurrent resolution as fall within that committee's jurisdiction pursuant to clause 1(q), rule X (Rept. No. 98-645, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEVITAS:

H.R. 5316. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Agriculture.

H.R. 5317. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Interior and Insular Affairs.

H.R. 5318. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Merchant Marine and Fisheries.

H.R. 5319. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Science and Technology.

By Mr. STARK:

H.R. 5320. A bill to amend chapter 44 of title 18 of the United States Code to extend and strengthen the mandatory penalty feature of the prohibition against the use of firearms in Federal felonies, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1676: Mr. KASICH.

H.R. 2837: Mr. BROOMFIELD and Mr. FRANK.

H.R. 4272: Mr. PEASE, Mr. CORRADA, Ms. OAKAR, Mr. HYDE, Mr. STENHOLM, Mr. WORTLEY, Mr. PURSELL, Mr. SCHUMER, Mr. COELHO, Mr. LUNDINE, Mr. HERTEL of Michigan, Mr. CROCKETT, and Mr. LEWIS of Florida.

H.R. 4273: Mr. CORRADA, Ms. OAKAR, Mr. HYDE, Mr. BORSKI, Mr. STENHOLM, Mr. WORTLEY, Mr. PURSELL, Mrs. LLOYD, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. LUNDINE, Mr. SCHUMER, and Mr. COELHO.

H.R. 4274: Mr. CORRADA, Ms. OAKAR, Mr. HYDE, Mr. BORSKI, Mr. PAUL, Mr. STENHOLM, Mr. WORTLEY, Mr. PURSELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. LUNDINE, Mr. SCHUMER, Mr. COELHO, and Mrs. LLOYD.

H.R. 4502: Mr. FORD of Tennessee, Mr. PATMAN, Mr. PATTERSON, Mr. EVANS of Illinois, Mr. HUGHES, Mr. SOLARZ, Mr. FROST, Mr. ORTIZ, and Mr. RANGEL.

H.R. 4684: Mr. TOWNS, Mr. BARNES, Mrs. BOXER, Mr. BONIOR of Michigan, Mr. ANDREWS of North Carolina, Mr. ACKERMAN, Mr. EDGAR, Ms. MIKULSKI, Mr. GORE, Mr. OLIN, Mr. DOWNEY of New York, Mr. GRAY, Mr. WEAVER, Mr. NEAL, Mr. GLICKMAN, Mr. JONES of North Carolina, and Mr. BURTON of California.

H.R. 4711: Mr. HAWKINS, Mr. MARKEY, Mr. HOWARD, Mr. WON PAT, Mr. WILLIAMS of

Ohio, Mr. MITCHELL, Mr. OWENS, Mr. BERMAN, Mr. RANGEL, Mr. GLICKMAN, Mr. TOWNS, Mrs. HALL of Indiana, Mr. BROWN of California, Mr. OTTINGER, Mr. WEISS, Mr. VENTO, Mr. STUDDS, Ms. MIKULSKI, Mr. MADIGAN, Mr. STARK, Mr. MOODY, Mr. NEAL, Mr. ECKART, Mr. DEWINE, Mr. STOKES, Mr. DWYER of New Jersey, Mr. JEFFORDS, Mr. ACKERMAN, Mr. FEIGHAN, Mr. FISH, and Mr. SIMON.

H.R. 4908: Mr. LEHMAN of California.

H.J. Res. 272: Mr. BENNETT, Mr. ORTIZ, Mr. SISISKY, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. DANIEL, Mr. BRITT, Mr. HOPKINS, Mr. KASICH, Mr. GRAY, and Mr. PRICE.

H.J. Res. 389: Mr. CLINGER.

H.J. Res. 514: Mr. LAFALCE, Mrs. BOXER, Mr. SEIBERLING, Mr. YATES, Mr. TORRES, Mr. HAWKINS, and Mr. COYNE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. CON RES. 282

By Mr. DANNEMEYER:

(Amendment in the nature of a substitute.)

—Strike everything after the resolving clause and insert in lieu thereof the following:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1984: $664,900,000,000.
Fiscal year 1985: $734,390,000,000.
Fiscal year 1986: $796,940,000,000.
Fiscal year 1987: $867,390,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1984: $1,900,000,000.
Fiscal year 1985: $1,390,000,000.
Fiscal year 1986: $2,040,000,000.
Fiscal year 1987: $3,890,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1984: $915,500,000,000.
Fiscal year 1985: $989,400,000,000.
Fiscal year 1986: $1,054,650,000,000.
Fiscal year 1987: $1,131,660,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1984: $853,900,000,000.
Fiscal year 1985: $907,590,000,000.
Fiscal year 1986: $947,780,000,000.
Fiscal year 1987: $1,003,700,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1984: $189,000,000,000.
Fiscal year 1985: $173,200,000,000
Fiscal year 1986: $150,840,000,000.
Fiscal year 1987: $136,310,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1984: $1,595,800,000,000.
Fiscal year 1985: $1,834,200,000,000.
Fiscal year 1986: $2,081,250,000,000.
Fiscal year 1987: $2,347,250,000,000

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1984: $105,800,000,000.
Fiscal year 1985: $238,400,000,000.
Fiscal year 1986: $247,050,000,000.
Fiscal year 1987: $266,000,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:

Fiscal year 1984:

(A) New direct loan obligations, $37,600,000,000.

(B) New primary loan guarantee commitments, $105,150,000,000.

(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New direct loan obligations, $25,660,000,000.

(B) New primary loan guarantee commitments, $118,510,000,000.

(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New direct loan obligations, $20,330,000,000.

(B) New primary loan guarantee commitments, $125,790,000,000.

(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1987:

(A) New direct loan obligations, $20,300,000,000.

(B) New primary loan guarantee commitments, $131,780,000,000.

(C) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):

Fiscal year 1984:

(A) New budget authority, $264,500,000,000.

(B) Outlays, $234,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $299,000,000,000.

(B) Outlays, $266,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $333,700,000,000.

(B) Outlays, $294,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $372,000,000,000.

(B) Outlays, $330,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1984:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $12,350,000,000.

(C) New direct loan obligations, $9,100,000,000.

(D) New primary loan guarantee commitments, $8,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $15,090,000,000.

(B) Outlays, $10,180,000,000.

(C) New direct loan obligations, $7,250,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $14,790,000,000.

(B) Outlays, $7,850,000,000.

(C) New direct loan obligations, $7,530,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fical year 1987:

(A) New budget authority, $14,810,000,000.

(B) Outlays, $6,370,000,000.

(C) New direct loan obligations, $8,410,000,000.

(D) New primary loan guarantee commitments, $10,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:

(A) New budget authority, $8,550,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,790,000,000.

(B) Outlays, $8,540,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $8,680,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $8,850,000,000.

(B) Outlays, $8,710,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1984:

(A) New budget authority, $3,000,000,000.

(B) Outlays, $3,000,000,000.

(C) New direct loan obligations, $4,700,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $4,170,000,000.

(B) Outlays, $3,350,000,000.

(C) New direct loan obligations, $4,740,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,940,000,000.
(B) Outlays, $2,710,000,000.
(C) New direct loan obligations, $4,720,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,610,000,000.
(B) Outlays, $1,530,000,000.
(C) New direct loan obligations, $4,830,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,330,000,000.
(B) Outlays, $11,370,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,020,000,000.
(B) Outlays, $10,800,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $10,550,000,000.
(B) Outlays, $10,030,000,000.
(C) New direct loan obligations, $50,000.000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $4,250,000.000.
(B) Outlays, $10,800,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New primary loan guarantee commitments, $4,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $13,620,000,000.
(B) Outlays, $14,300,000,000.
(C) New direct loan obligations, $7,700,000,000.
(D) New primary loan guarantee commitments, $6,850,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,580,000,000.
(B) Outlays, $6,690,000,000.
(C) New direct loan obligations, $3,010,000,000.
(D) New primary loan guarantee commitments, $7,240,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,310,000,000.
(C) New direct loan obligations, $2,430,000,000.
(D) New primary loan guarantee commitments, $6,760,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $6,150,000,000.
(D) New primary loan guarantee commitments, $50,000,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $4,780,000,000.
(B) Outlays, $1,710,000,000.
(C) New direct loan obligations, $2,890,000,000.
(D) New primary loan guarantee commitments, 56,110,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $4,460,000,000.
(B) Outlays, $770,000,000.
(C) New direct loan obligations, $2,290,000,000.
(D) New primary loan guarantee commitments, $59,050,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1987:
(A) New budget authority, $5,110,000,000.
(B) Outlays, $1,180,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $61,680,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $29,400,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $1,150,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $25,810,000,000.
(B) Outlays, $24,970,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $26,380,000,000.
(B) Outlays, $215,530,000,000.
(C) New direct loan obligations, $40,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $26,760,000,000.
(B) Outlays, $25,830,000,000.
(C) New direct loan obligations, $30,000,000.
(D) New primary loan guarantee commitments, $490,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,750,000,000.
(C) New direct loan obligations, $1,650,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,030,000,000.
(B) Outlays, $7,580,000,000.
(C) New direct loan obligations, $860,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,630,000,000.
(B) Outlays, $7,150,000,000.
(C) New direct loan obligations, $970,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $7,030,000,000.
(C) New direct loan obligations, $1,130,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $31,350,000,000.
(B) Outlays, $28,150,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $29,060,000,000.
(B) Outlays, $28,610,000,000.
(C) New direct loan obligations, $570,000,000.
(D) New primary loan guarantee commitments, $7,750,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,080,000,000.
(B) Outlays, $29,060,000,000.
(C) New direct loan obligations, $370,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,400,000,000.
(B) Outlays, $30,230,000,000.
(C) New direct loan obligations, $420,000,000.
(D) New primary loan guarantee commitments, $8,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $31,600,000,000.
(B) Outlays, $30,800,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $33,040,000,000.
(B) Outlays, $33,920,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $36,030,000,000.
(B) Outlays, $35,640,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $38,180,000,000.
(B) Outlays, $37,610,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $150,000,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Social Security and Medicare (570):
Fiscal year 1984:
(A) New budget authority, $237,900,000,000.
(B) Outlays, $239,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $271,000,000,000.
(B) Outlays, $258,310,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $299,090,000,000.
(B) Outlays, $277,810,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $326,970,000.
(B) Outlays, $300,490,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $118,450,000,000.
(B) Outlays, $97,050,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $139,470,000,000.
(B) Outlays, $111,390,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $146,180,000,000.
(B) Outlays, $114,020,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $156,620,000,000.
(B) Outlays, $114,440,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,150,000,000.
(B) Outlays, $25,800,000,000.
(C) New direct loan obligations, $1,350,000,000.
(D) New primary loan guarantee commitments, $18,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,470,000,000.
(B) Outlays, $25,710,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $22,850,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $26,610,000,000.
(B) Outlays, $26,170,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $25,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $26,860,000,000.
(B) Outlays, $26,530,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $28,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(15) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $5,950,000,000.
(B) Outlays, $5,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,590,000,000.
(B) Outlays, $5,630,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitment, $0.
Fiscal year 1986:
(A) New budget authority, $5,570,000,000.
(B) Outlays, $5,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,470,000,000.
(B) Outlays, $5,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(16) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,450,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,380,000,000.
(B) Outlays, $5,220,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,310,000,000.
(B) Outlays, $5,130,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,010,000,000.
(B) Outlays, $4,830,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,350,000,000.
(B) Outlays, $4,350,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $2,100,000,000.
(B) Outlays, $2,100,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $2,170,000,000.
(B) Outlays, $2,170,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Interest (900):
Fiscal year 1984:
(A) New budget authority, $109,650,000,000.
(B) Outlays, $109,650,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $124,140,000,000.
(B) Outlays, $124,140,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1986:
(A) New budget authority, $136,310,000,000.
(B) Outlays, $136,310,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $143,160,000,000.
(B) Outlays, $143,160,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $650,000,000.
(B) Outlays, $750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,010,000,000.
(B) Outlays, $1,040,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $2,750,000,000.
(B) Outlays, $2,890,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,680,000,000.
(B) Outlays, $4,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$15,202,000,000.
(B) Outlays, −$15,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$38,730,000,000.
(B) Outlays, −$38,730,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$51,680,000,000.
(B) Outlays, −$51,680,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$63,550,000,000.
(B) Outlays, −$63,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than May 1, 1984, the House committees named in subsections (b) through (q)(1) of this section shall submit their recommendations to the House Budget Committee. After receiving these recommendations, the Committee on the Budget shall report to the House a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,148,000,000 and outlays by $1,148,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $9,338,000,000 and outlays by $9,338,000,000 in fiscal year 1986; and requires decreases of budget authority by $10,890,000,000 and outlays by $10,890,000,000 in fiscal year 1987.

(c) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $3,542,000,000 and outlays by $3,542,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $9,398,000,000 and outlays by $9,398,000,000 in fiscal year 1986; and requires decreases of budget authority by $17,531,000,000 and outlays by $17,531,000,000 in fiscal year 1987.

(d) The House Committee on Banking, Finance, and Urban Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defiend in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $7,809,000,000 and outlays by $7,809,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $9,049,000,000 and outlays by $9,049,000,000 in fiscal year 1986; and requires decreases of budget authority by $9,902,000,000 and outlays by $9,902,000,000 in fiscal year 1987.

(e) The House Committee on Education and Labor shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $504,000,000 and outlays by $504,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $972,000,000 and outlays by $972,000,000 in fiscal year 1986; and requires decreases of budget authority by $1,030,000,000 and outlays by $1,030,000,000 in fiscal year 1987.

(f) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $648,000,000 and outlays by $648,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $885,000,000 and outlays by $885,000,000 in fiscal year 1986; and requires decreases of budget authority by $1,235,000,000 and outlays by $1,235,000,000 in fiscal year 1987.

(g) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $2,204,000,000 and outlays by $2,204,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $2,401,000,000 and outlays by $2,401,000,000 in fiscal year 1986; and requires decreases of budget authority by $2,643,000,000 and outlays by $2,643,000,000 in fiscal year 1987.

(h) The House Committee on Government Operations shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $2,292,000,000 and outlays by $2,292,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $4,592,000,000 and outlays by $4,592,000,000 in fiscal year 1986; and requires decreases of budget authority by $4,874,000,000 and outlays by $4,874,000,000 in fiscal year 1987.

(i) The House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $19,000,000 and outlays by $19,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $56,000,000 and outlays by $56,000,000 in fiscal year 1986; and requires decreases of budget authority by $97,000,000 and outlays by $97,000,000 in fiscal year 1987.

(j) The House Committee on the Judiciary shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $382,000,000 and outlays by $382,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $410,000,000 and outlays by $410,000,000 in fiscal year 1986; and requires decreases of budget authority by $454,000,000 and outlays by $454,000,000 in fiscal year 1987.

(k) The House Committee on Merchant Marine and Fisheries shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $710,000,000 and outlays by $710,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $794,000,000 and outlays by $794,000,000 in fiscal year 1986; and requires decreases of budget authority by $858,000,000 and outlays by $858,000,000 in fiscal year 1987.

(l) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $11,000,000 and outlays by $11,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $31,000,000 and outlays by $31,000,000 in fiscal year 1986; and requires decreases of budget authority by $61,000,000 and outlays by $61,000,000 in fiscal year 1987.

(m) The House Committee on Public Works and Transporation shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $2,232,000,000 and outlays by $2,232,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $2,610,000,000 and outlays by $2,610,000,000 in fiscal year 1986; and requires decreases of budget authority by $3,033,000,000 and outlays by $3,033,000,000 in fiscal year 1987.

(n) The House Committee on Science and Technology shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $2,000,000 and outlays by $2,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $8,000,000 and outlays by $8,000,000 in fiscal year 1986; and requires decreases of budget authority by $14,000,000 and outlays by $14,000,000 in fiscal year 1987.

(o) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $8,000,000 and outlays by $8,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $21,000,000 and outlays by $21,000,000 in fiscal year 1986; and requires decreases of budget authority by $42,000,000 and outlays by $42,000,000 in fiscal year 1987.

(p) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $209,000,000 and outlays by $209,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $314,000,000 and outlays by $314,000,000 in fiscal year 1986; and requires decreases of budget authority by $446,000,000 and outlays by $446,000,000 in fiscal year 1987.

(q) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section (401)(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $925,000,000 and outlays by $925,000,000 in fiscal year 1985; further the Congress finds that to attain the policy of this resolution in future years requires decreases of budget authority by $1,609,000,000 and outlays by $1,609,000,000 in fiscal year 1986; and requires decreases of budget authority by $2,422,000,000 and outlays by $2,422,000,000 in fiscal year 1987.

AUTOMATIC SECOND BUDGET RESOLUTION

SEC. 3. (a) If Congress has not completed action by October 1, 1984, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1985 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of the prohibitions contained in section 311 of such Act, notwithstanding congressional action or inaction on any reconciliation requirements contained in this concurrent resolution.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1985 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1985 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SECTION 302(b) FILING REQUIREMENT

SEC. 4. (a) It shall not be in order in the House of Representatives to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1985;

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1985; or

(3) direct loan authority, primary loan guarantee authority, or secondary loan guarantee authority for fiscal year 1985;

within the jurisdiction of any committee which has received an allocation pursuant to section 302(a) of the Congressional Budget Act of discretionary budget authority or new spending authority, as described above, for such fiscal year, unless and until such committee makes the allocation or subdivisions required by section 302(b) of the Congressional Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

(b) The prohibition contained in subsection (a) shall not apply until twenty-one days of continuous session, as defined in section 1011(5) of the Impoundment Control Act of 1974, after Congress completes action on this concurrent resolution.

By Mr. MORRISON of Connecticut:

—On page 2, strike out lines 9 through 11 and insert the following in lieu thereof:

Fiscal year 1985: 745,500,000,000.
Fiscal year 1986: $831,300,000,000.
Fiscal year 1987: $927,900,000,000.

On page 2, strike out lines 15 through 17 and insert the following in lieu thereof:

Fiscal year 1985: $12,500,000,000.
Fiscal year 1986: $34,400,000,000.
Fiscal year 1987: $64,400,000,000.

On page 2, strike out lines 21 through 22 and insert the following in lieu thereof:

Fiscal year 1985: $990,450,000,000.
Fiscal year 1986: $1,062,050,000,000.
Fiscal year 1987: $1,135,200,000,000.

On page 3, strike out lines 2 through 4 and insert the following in lieu thereof:

Fiscal year 1985: $910,950,000,000.
Fiscal year 1986: $966,100,000,000.
Fiscal year 1987: $1,033,000,000,000.

On page 3, strike out lines 9 through 11 and insert the following in lieu thereof:

Fiscal year 1985: $165,450,000,000.
Fiscal year 1986: $134,800,000,000.
Fiscal year 1987: $105,100,000,000.

On page 3, strike out lines 15 through 17 and insert the following in lieu thereof:

Fiscal year 1985: $1,824,200,000,000.
Fiscal year 1986: $2,043,750,000,000.
Fiscal year 1987: $2,270,350,000,000.

On page 3, strike out lines 21 through 23 and insert the following in lieu thereof:

Fiscal year 1985: $228,400,000,000.
Fiscal year 1986: $209,550,000,000.
Fiscal year 1987: $189,100,000,000.

On page 5, strike out lines 23 through 25 and insert the following in lieu thereof:

(A) New budget authority, $276,000,000,000.
(B) Outlays, $250,200,000,000.

On page 6, strike out lines 7 through 9 and insert the following in lieu thereof:

(A) New budget authority, $289,400,000,000.
(B) Outlays, $261,600,000,000.

On page 6, strike out lines 16 through 18 and insert the following in lieu thereof:

(A) New budget authority, $303,200,000,000.
(B) Outlays, $279,000,000,000.

On page 31, strike out lines 4 through 6 and insert the following in lieu thereof:

(A) New budget authority, $123,900,000,000.
(B) Outlays, $123,900,000,000.

On page 31, strike out lines 13 through 15 and insert the following in lieu thereof:

(A) New budget authority, $137,150,000,000.
(B) Outlays, $137,150,000,000.

On page 31, strike out lines 22 through 24 and insert the following in lieu thereof:

(A) New budget authority, $149,600,000,000.
(B) Outlays, $149,600,000,000.

On page 38, after line 16 insert the following paragraph:

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that Committee sufficient to increase revenues by $12,500,000,000 in fiscal year 1985; further the Congress

finds that to attain the policy of this resolution in future years requires increases of $34,400,000,000 in revenues in fiscal year 1986; and requires increases of $64,400,000,000 in revenues in fiscal year 1987.

By Mr. WOLF:

In the matter relating to the level of total budget outlays for fiscal 1985, increase the amount by $544,000,000.

In the matter relating to the amount of the deficit in the budget for fiscal year 1985, increase the amount by $544,000,000.

In the matter relating to budget outlays for functional category 600 for fiscal year 1985, increase the amount by $544,000,000.

In the matter relating to reconciliation instructions to the Committee on Post Office and Civil Service contained in section 2(f), strike out "$550,000,000" and insert in lieu thereof "$0".

SENATE—*Monday, April 2, 1984*

(Legislative day of Monday, March 26, 1984)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

But the meek shall inherit the earth; and they shall delight themselves in the abundance of peace.—Psalm 37: 11.

God of peace, help us to find the way of peace. Make us wise and sensitive in our relationships with other nations. Help us to find the balance between response and restraint. Save us from national pride which assumes we are to police the world, and national selfishness which abdicates responsibility to the world.

Gracious Lord, while we are seeking peace in the world, let us not make war in the Senate. May we demonstrate in this body the peace which we seek among nations. May we be peacemakers in our homes, with neighbors, with those of other races, those of differing social or economic status, and with those whose religious convictions differ. Free us from the hypocrisy which talks peace among nations, while we war among ourselves. In the name of the Prince of Peace we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 2, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. JEPSEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized under the standing order, two Senators will be recognized on special orders of not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business until 1:30, after which the Senate will resume consideration of House Joint Resolution 492, the supplemental appropriations measure. The pending question when we resume consideration of the joint resolution will be the Melcher amendment, on which there is a time limitation by unanimous consent of 2 hours to be equally divided.

Mr. President, I hope we can make good progress on this joint resolution today. I expect it will take most of this week to finish this measure. I hope not, but I am afraid so.

It is the hope of the leadership on this side that we can finish the joint resolution and get on to the budget package before the week is over.

DEATH OF FORMER REPRESENTATIVE JOE L. EVINS

Mr. BAKER. Mr. President, I learned with great sorrow over the weekend of the death of our former House colleague, Joe L. Evins. I plan to join the other members of the Tennessee congressional delegation and thousands of Tennesseans tomorrow at his funeral in his hometown of Smithville, Tenn.

Joe Evins served for 30 years in the House of Representatives. He was known as a real workhorse, but he did not lose contact with the people he loved in the Fourth and Fifth Districts of Tennessee.

On any given day, Joe Evins could be found chairing an important House appropriations subcommittee meeting, that would determine the fate of multimillion dollar appropriations for the Corps of Engineers, the Tennessee Valley Authority, the Atomic Energy Commission, and other agencies. The next day, he could be back in Smithville, walking down the same leaf-covered roads, talking to the same friends on the street corner, just staying in touch with his people.

He was never too busy to hear another social security claim or a plea for a Veterans' Administration loan. And this service was rewarded when he ran for reelection—12 times with no opposition.

He was a believer in the committee system, quoting Woodrow Wilson that "Congress assembled is Congress on display, but Congress in Committee is Congress at work." He also knew that there were times in the legislative process when it became important to set aside short-term political gains for a much larger goal. It was his policy to avoid extremes and to move toward reason and moderation.

Joe Evins stated that he did not favor legislation that represents extremism—that he believes in working with his colleagues in Congress to achieve agreements and accords that represent the views of the great majority of Americans. For those who would give the Federal Government a blank check and for those who would cut Government funding to the point of extinction, Joe Evins would search for the middle ground, the commonsense approach to a problem.

He grew up in courthouse politics in DeKalb County with his father serving as a magistrate for 35 years and mayor of Smithville for another 15. Joe Evins was Smithville's first newspaper delivery boy, a graduate of DeKalb County High School and Vanderbilt University. He earned his law degree from Cumberland University Law School in Lebanon, Tenn., and practiced in Smithville.

During World War II, he served 2 years of military service in Washington and 2 more in England, France, and Germany. At the end of his tour of duty, he returned home and launched his own political career.

But the best summation on Joe Evins probably came in 1976 when he voluntarily retired from the Congress.

I had no doubt that I could be reelected, but I had long decided it was time to step down. I have seen some people stay in Congress until they get too old and become inefficient. I wanted to quit on top because I have had just about all the honors that one could have.

Mr. President, I have no further need for my time under the standing order. I offer it to the minority leader if he has need for additional time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BYRD. Mr. President, I thank the Chair and I thank the majority leader. I do not need additional time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR KASTEN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. KASTEN) is recognized for not to exceed 15 minutes.

VOTING PRACTICES IN THE UNITED NATIONS

Mr. KASTEN. Mr. President, in 1982 President Reagan honored me with appointment as one of the two Members of Congress who serve each year as U.S. delegates in the General Assembly of the United Nations in New York. I was already familiar at that time in general terms with a pattern of decline in U.S. influence in the United Nations. The senior Senator from New York (Mr. MOYNIHAN) while he was serving with distinction as President Ford's Permanent Representative to the United Nations, spoke about some of the reasons for this decline. He focused world attention dramatically on the moral lapses of the U.N. majority. When the General Assembly cast its shameful vote approving a resolution equating Zionism—the National Liberation Movement of the Jewish people—with racism, Ambassador Moynihan aptly described it as a victory for "the jackals."

A year before my appointment to the U.N. delegation, I had shared Ambassador Jeane Kirkpatrick's outrage at the vicious lies against the United States contained in the declaration of foreign ministers of the nonalined movement of nations issued during the opening weeks of the 1981 U.N. General Assembly. Ambassador Kirkpatrick sent letters of protest to Ambassadors of each of the nonalined movement member nations that she considered to enjoy more or less friendly bilateral relations with the United States. Even some of the nations that had joined the consensus on these false and profoundly offensive charges contained in that communique were recipients of U.S. foreign aid.

Although the Kirkpatrick letter was a message of protest, its intent was by no means simply retaliatory and its impact far from negative. Fundamentally, this major gesture by our distinguished Ambassador during her first General Assembly was an affirmation that the Reagan administration takes the United Nations seriously, that it cares about what goes on in the world body. Indeed, as I was to observe during my time in New York in 1982, Ambassador Kirkpatrick continually reminds her staff that, during her tenure, their motto should be "we take the U.N. seriously, and we care." The replies to Ambassador Kirkpatrick's letters of protest demonstrated the salutary consequences that can come from taking a plain, clear stand for United States national interests. Some Ambassadors replied, rather sheepishly, "We had not thought you Americans ever paid attention to our declarations." Some of these expressed sincere appreciation that our new diplomatic team in New York had taken notice. Some even decided to enter public reservations against the anti-American portions of the nonalined declaration. Others were defiant. Still a few other U.N. Ambassadors wrote to Ambassador Kirkpatrick asking why they had not received letters of protest. Does this mean, they wondered, that you Americans do not consider us friends?

Mr. President, my time at the United Nations in New York impressed upon me the profound problems of the organization and the problems of our own position in the organization far more vividly than I can detail in these few minutes. Like Ambassador Kirkpatrick, I have learned a lot of things I had never expected to learn. I never expected, for instance, that Soviet Foreign Minister Gromyko would accuse us of flagrantly and illegally interfering in the internal affairs of Afghanistan. Nor did I quite expect to discover such a magnitude of disjunction between the voting power in the General Assembly and the strength of actual financial support from assessed membership dues. The combined membership dues of 80 members of the United Nations—which is to say a majority of the General Assembly—constitutes less than 1 percent of the total dues collected for the U.N. assessed budget. The United States, which has only one vote in the General Assembly, alone is assessed with 25 percent of the U.N. budget.

My direct experiences with the abuses suffered by the United States in the United Nations led me to believe that Congress must take a more active role in monitoring U.N. votes and activities. Accordingly, I authored an amendment, subsequently enacted into law, which requires a yearly report on U.N. voting practices. This law requires the Secretary of State and the Permanent Representative to the United Nations to report annually to Congress on voting practices in the world body. The first such report, with an introductory essay by Ambassador Kirkpatrick, was released by the Department of State on February 24 of this year, and as a Senate document by the Committee on Appropriations on March 22. It is an illuminating and useful tool for evaluating and assessing our relations with our fellow U.N. members' States, especially those who are recipients of U.S. assistance. So illuminating have I found the report, Mr. President, that I intend to deliver a series of statements, each concerning voting practices on a separate key issue or cluster of issues that came before the General Assembly or the Security Council last year. Among these matters is the campaign to delegitimize Israel's presence in the United Nations and other international organizations, and to stigmatize those associated with Israel. Another is the situation in Afghanistan, brutally occupied by 100,000 Soviet troops waging a war of sheer terror against civilian villagers. Another is the comparable situation in Communist-occupied Cambodia, and still another is the threatened status of the Caribbean and Central America and the strategic southern flank of the United States.

Mr. President, as chairman of the Appropriations Subcommittee that oversees foreign aid programs, I wish to examine, in an upcoming series of statements, the relevance of certain voting patterns in the United Nations to certain patterns of American foreign assistance. They will seek to examine what patterns exist between our aid policies and the U.N. voting practices of recipients of our aid. I wish to be clear that I am fully in accord with Ambassador Kirkpatrick's position as expressed in a statement before my Appropriations Subcommittee that U.N. voting practices ought not to be the only, nor necessarily even the major, consideration in our aid policies. Nevertheless, these voting practices must seriously be taken into account.

Mr. President, in presenting my series of statements on voting practices in the United Nations, I should like to associate myself with the robust spirit of confidence in America's values and role in the world that Ambassador Jeane Kirkpatrick has exhibited since she entered office. When our Ambassador arrived at the United Nations in 1981 someone asked her what would be the difference between the new administration's policies and those of the previous one.

She replied: "We have taken off our 'kick me' sign." He asked: "Does that mean that if you're kicked, you'll kick back?"

Ambassador Kirkpatrick answered: "Not necessarily. But it does mean that if we're kicked, at least we won't apologize."

Mr. President, the American people are contributing over 1½ billion tax dollars annually toward the U.N. budget, and they contribute additional billions each year in various forms to many of the nations who play important roles in the activities of the United Nations. Our support for the United Nations and the assistance we provide to other nations symbolizes our commitment to the principles of

the U.N. Charter and our dedication to world peace and the improvement of the quality of life in nations less fortunate than ours.

American taxpayers have a right to know how their tax money is being spent in the United Nations and through our foreign aid programs. They have a right to know that this money is not being misspent and abused. It is to promote and protect this right that I shall be presenting my series of statements on U.N. voting practices.

Mr. President, starting tomorrow, I will begin a discussion of the 10 most important votes affecting U.S. interests during the 38th U.N. General Assembly. As part of that discussion, I will be presenting tabular material showing those countries which voted against us on these issues, together with the amount of bilateral foreign assistance they are scheduled to receive in fiscal year 1985, the amount received during the current fiscal year, and the total amount of assistance each of these countries has received from 1946 through the fiscal year 1985 request. I am confident that my colleagues will find the information I will be presenting over the next 9 days to be very interesting and informative.

Mr. President, I ask unanimous consent that a summary and introductory statement to this report by the Honorable Jeane J. Kirkpatrick appear in the RECORD following my remarks, together with a table showing all U.N. General Assembly plenary votes with their percentage coincidence with U.S. votes, a narrative explaining those 10 issues, and a table showing how each country voted on the 10 key issues I will be discussing.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

INTRODUCTORY STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK

VOTING PRACTICES IN THE UNITED NATIONS

A. What the report is and is not

This report provides the "comparison of the overall voting practices in the principal bodies of the United Nations" requested by the Congress. From these comparisons there can be inferred the "degree of support by the government of such country during the preceding twelve month period of the foreign policy of the United States." Naturally, the data presented here refer only to the U.N. context and do not take account of support for U.S. policy in the other contexts. The report describes all the plenary votes cast at the regular session of the Thirty-Eighth General Assembly (1983), and also the voting records of those nations who were members of the U.N. Security Council during 1983.

During the 1983 General Assembly, the 158 member states discussed and decided a dazzling array of issues. Many of these issues were decided by consensus with no vote recorded, but many were settled by vote. In some cases, votes were cast not only on final resolutions but on separate paragraphs as well. The resolutions dealt with an extremely broad range of subjects: the Soviet invasion and continuing occupation of Afghanistan; economic development; arms control; outer space; the Indian Ocean "Zone of Peace"; human rights in three Latin American countries; apartheid; the Arab-Israeli conflict; and others. By the end of the General Assembly, of necessity, every member had expressed itself on a very broad range of very difficult questions.

Because a General Assembly acts on so many diverse issues, the voting record of a U.N. member during a General Assembly tells us a good deal about a country's orientation in world arenas: where it stands, with whom it stands (at least in a U.N. context), and for what purposes.

In examining the voting record of U.N. member states, it should be borne in mind that relations in the United Nations are only one dimension of our relations with other countries and often are not the most important aspect of these relations. Economic, strategic, and moral factors may be and often are more important to our interests and to U.S. policy and policymakers than a country's behavior inside the United Nations. However, at the same time, that country's relations inside the U.N. are not trivial. If the decisions and policies of the key bodies of the United Nations matter, then the votes of member nations also matter.

B. Why U.N. votes matter

1. Votes Determine the Policy of U.N. Bodies

The United Nations was conceived as a kind of global parliament, organized and conducted on the same basis as legislative bodies in democratic countries. As in a legislature the General Assembly and Security Council consist of representatives who meet, adopt agendas, discuss and debate issues and eventually deal with them either by consensus or by vote. As in most democratic legislatures, votes are distributed on the basis of one country, one vote. When votes are taken, the majority decides. Votes cast in the United Nations determine the decisions that are the principal product of the United Nations.

Votes in the General Assembly and the Security Council provide mandates and guidance to the Secretary General and the Secretariat, and the diverse worldwide operations of its subgroups. U.N. decisions allocate funds, call conferences, authorize programs.

Since the U.N. System has a combined budget of over 4 billion dollars and employs over 50,000 persons, decisions concerning the use of these worldwide resources are significant indeed.

2. Votes Focus World Attention

As in other bodies organized on democratic principles, the agenda of U.N. bodies are set by their members. And the agendas of the principal U.N. bodies have a unique influence on the definition and perception of global problems.

To an extent often not appreciated in the United States, discussions, debates and votes in the United Nations are followed by the world press. U.N. affairs are covered extensively in the press of many less developed nations, and are closely followed by the media of most European countries. Subjects discussed in major U.N. fora come to be widely regarded as important. Because of their ability to fucus attention on some subjects and ignore others, the agendas of major U.N. organizations influence the definition of what is and is not important in the world; what is a problem, what is a problem worthy of "world" attention.

This is the reason efforts to frame the U.N. agenda are made by those who seek to manipulate world opinion. Cuba has worked hard to have Puerto Rico inscribed on the agenda of successive General Assemblies as a problem of "decolonization," in spite of the fact that the people of Puerto Rico enjoy full self determination. In so doing Cuba has sought not only to embarrass the U.S., but to create a problem where none exists, simply by defining a relationship as a problem. For the reverse reasons, the Soviet Union and her associated states try to keep off the agenda subjects such as repression in Poland, the Libyan invasion of Chad, the downing of the Korean airliner, etc.

Manipulation of U.N. agendas achieves the desired results. When year after year Security Council resolutions focus on Israeli "practices" as violations of the Fourth Geneva Convention and ignore greater violations by other countries, there is a powerful tendence for many to come slowly to believe that Israel is especially guilty of gross human rights abuses. Conversely, the continuing focus of U.N. bodies on the Palestinian refugee question has kept it higher on the agenda of world politics than the plight of other, more numerous refugee populations, and has won it especially generous financial support.

If the only human rights abuses ever noted by the United Nations take place in Israel, or in Latin American nations fighting Communist insurgency, the impression spreads that these countries are uniquely guilty of gross abuse and lawless treatment of their citizens. Conversely, if African, Arab, Asian, Soviet bloc governments escape attention or censure for human rights abuses, the impression is cumulatively created that they are both powerful enough to silence critics and not so bad in any case.

3. Votes Define "World Opinion" on Major Issues

The decisions of the United Nations are widely interpreted as reflecting "world opinion." For this reason they are endowed with substantial moral and intellectual force. The cumulative impact of decisions of U.N. bodies influence opinions all over the world about what is legitimate, what is acceptable, who is lawless and who is repressive, what and who are successful and not successful, who are and are not capable of protecting themselves and their friends in the world body. The commitments and policies of the U.N. itself, the settlement of disputes, and the cumulative impact of U.N. decisions affect perceptions of power, effectiveness, and legitimacy. Examples abound.

Each year large majorities of the General Assembly put on record their disapproval of the occupation of Afghanistan and Kampuchea and request the withdrawal of all foreign forces from these countries. Even though the Afghanistan and Kampuchea resolutions do not name the occupying powers, their meaning is clear and is understood by everyone. The large votes for these resolutions make clear that the majority of member states understand and disapprove what has happened and is happening in those two states, and that Soviet influence in the U.N., though indubitably great, is not large enough to prevent the expression of disapproval.

There are various ways U.N. bodies can damage a country's reputation. South Africa has been damaged by being subjected to continuous denunciation and longstand-

ing exclusion from U.N. bodies. And the determined effort to make Israel a pariah state reflects her adversaries' conviction that Israel could be similarly damaged. One technique is to secure passage by the Security Council of resolutions that make demands in the knowledge that they will be ignored. Refusal to respect a Security Council resolution leaves a country open to the charge that it is an "international outlaw," "not a peaceloving nation" and, therefore, eligible for further sanctions. Thus, Israel, having been requested in 1982 by Security Council action to withdraw all its troops from Lebanon, is "guilty" of noncompliance, while Syria is "not guilty" because there were never enough votes in the Security Council to demand Syria's withdrawal. The fact of noncompliance becomes yet another ground for censuring Israel in the U.N., regardless of the fact that Israel agreed to withdrawal of its troops from Lebanon simultaneously with those of Syria, and actually began a withdrawal which Syria refused even to discuss.

Omission from the agenda can also influence world opinion. When the Soviet Union is able to protect itself against being criticized by name—no matter how flagrant its violations of the U.N. Charter—it establishes itself as skillful, effective, and influential, as a power to be reckoned with in what is regularly called the international community. When its client states and allies are able to escape criticism—no matter how flagrantly they violate the United Nations Charter—the Soviets are judged influential, useful friends. Soviet success and influence in the United Nations becomes then an additional incentive to be sensitive to Soviet views and to associate with the Soviet bloc. Conversely, if, when the United States and its friends are subjected to harsh and often unfair attack, the U.S. appears to be devoid of influence, association with it becomes undesirable if not dangerous. U.N. votes thus affect both the image and the reality of power in the U.N. system and beyond.

More is at stake than a country's reputation or image, though these matter in international politics. U.N. votes help to define the limits of the permissible. If, after shooting down the Korean airliner, the Soviet Union had not been forced for the first time since the invasion of Afghanistan to veto a resolution (if nine of the fifteen members of the Security Council do not vote *for* a resolution, it fails and no veto is required to prevent its passage) then the impression of worldwide revulsion against attacking a civilian airliner would have been weaker. Or if, in spite of accumulating evidence on the use of deadly "yellow rain" chemicals against Hmong tribesmen, Khmer people, and others, the U.N. had not received the mandate needed to continue its investigation of the use of chemical weapons in Southeast Asia, the impression would have been created that use of chemical weapons is not taken seriously.

4. U.N. Votes Affect U.S. Foreign Policy

Actions by United Nations bodies, especially by the Security Council, have greater consequences for U.S. foreign policy and the world than often is realized. At the time of writing (February, 1984), the situation in Lebanon is rapidly deteriorating. President Amin Gemayel's government is under progressively serious attack from Syrian-supported forces, U.S. Marines are departing Beirut, and the possible enhancement of the U.N. role in Lebanon is once again under discussion. Had there been a U.N. decision to deploy a substantial observer group in Beirut earlier, before the government of Lebanon had been so weakened, it might have discouraged some of the fighting and helped lay the groundwork for a UN peacekeeping force to replace the MNF. The failure to deploy observers thus may have had important effects on the evolution of events in Lebanon, the viability of its government, the security of Israel, the role of the Syrians (and Soviets) in the region, and the options available to the United States. The Security Council's pending decision on a proposal to deploy U.N. troops in Beirut could also have important repercussions for U.S. policy. And Lebanon is by no means an isolated case.

Nicaragua works hard to move the discussion of Central American problems from the regional level into the U.N. where it can profit from the support of the Soviet bloc and its friend. Nicaragua's initiatives have important implications for the Contadora process, which in turn is important to U.S. policy and prospects in Central America.

The influence of U.N. decisions in the context and conduct of U.S. foreign policy may be incremental, rather than sudden or dramatic, but its cumulative importance should not be underestimated.

C. What U.N. votes tell us

Votes in the United Nations, as in other political systems, are determined not only by cool consideration of the facts and values involved in a particular issue, though these may figure in the final decision. Votes are also a consequence of group identifications and loyalties, and the personal, moral, and financial incentives perceived to be at stake.

There is much votes cannot tell us. The votes of a Congressman do not necessarily tell us where and how he stands within his party or within the Congress, what he cares most deeply about, his relation with his peers, or about the views of his constituency, or his legislative assistant. A vote does not even tell us to which party a Congressman belongs. A Congressman may argue that his votes do not accurately reflect his true values and preferences but instead result from election year pressures of his constituency, his party, the financial pressures on him, and the issues he was forced to vote on. But cumulatively a Congressman's votes tell us in a general way about where he stands on various kinds of issues, what he stands for, and whom he stands with.

Similarly in the United Nations, a country's votes do not tell us everything we need to know because they are not the only way of acting in the U.N., and because their meaning is sometimes indeterminate. Votes are not the only means by which countries express their support and opposition inside the United Nations. Speeches, lobbying inside closed group caucuses and in the corridors, making "threats and promises" (as an African delegate put it) have their effect though they show up on no tally. A number of countries work behind the scenes to aid the U.S. in modifying offensive resolutions. Moreover, the meaning of a single vote, when cast, is not self-evident. A cumulative voting record, however, tells us what a government judged to be in its best interest in the U.N. context. When an African government votes with the majority of African States, or with the majority of the nonaligned group, for a resolution that is unfairly critical of the United States for violating the South African arms embargo, that African state is not necessarily expressing hostility to the U.S.; it may simply believe there will be more unpleasant (personal or official) consequences from voting no than from voting yes.

1. The Determinants of Voting

Over time, a country's votes on important issues reflect its choices among values and priorities. Many factors influence how a nation votes inside the United Nations, just as many factors influence how a Congressman votes. Among the most important of these are:

(1) A country's form of government and basic political values. This factor is most important at the extremes. Warsaw Pact Communist states almost always vote together; democratic countries often vote together.

(2) Its geographical location. Geography—as seen in groups such as the Organization of African Unity or the Association of Southeast Asian Nations (ASEAN)—are an important influence in the U.N. voting.

(3) Its level of economic development. On a range of issues involved in the "North-South" dialogue, less developed countries tend to vote together, as do the industrialized countries.

(4) Its bilateral relations. Bilateral relations, especially economic, military, historic relations may be important determinants of voting inside the U.N.

(5) Its group memberships inside the United Nations. Is it a member of the OAU, the Group of 77 or the Non-Aligned Movement?

(6) The character of the groups of which it is a member. Is the group cohesive and disciplined, like the Soviet bloc, or a loose, shifting coalition, such as the Non-Aligned Movement?

(7) The balance of power inside the United Nations sometimes is a factor. If the outcome of a vote appears a foregone conclusion, then many governments seek to join the majority.

(8) The groups with which a country is associated outside the United Nations may also be an influential determinant of its behavior inside the U.N. Countries closely allied with the Soviet Union outside the U.N. form the most cohesive bloc within the U.N. Membership in the British Commonwealth, which has no formal existence in the U.N., nevertheless on occasion has been an important determinant of voting.

(9) Estimates concerning whether vital bilateral relations outside the United Nations will be affected by a vote in the U.N. An important reason for the decline in U.S. influence in the U.N. was the perception that we did not care much about what went on there.

(10) The facts and values involved in a particular issue.

This list of determinants of voting behavior, while not exhaustive, illustrates the range of influences which contribute to a voting decision on a particular issue. With regard to any particular vote, the factors influencing a country's vote may push the country in conflicting directions. Except in the case of the Soviet bloc, therefore, it is difficult to predict with certainty how a country will vote in a particular instance.

Although it is rarely possible to predict the relative influences of the various factors in any given vote, it is possible to formulate some generalizations.

2. The Blocs

In many ways the United Nations resembles a democratic legislature. As in a legislature where members combine in parties or factions, nations have banded together into blocs whose combined strength is many times that of the individual members. Many

of the blocs work together only in the U.N., where they function much as parties do in a legislature. The blocs offer influence, security and fellowship. They caucus, discuss, adopt common positions. Unless there are countervailing influences, the blocs control the agenda, the debate, and the decisions.

The blocs are geographical, ethnic, political and cultural in character. There is the Organization of African Unity, which unites all African nations except South Africa. There is the Latin American Group, in which are gathered the nations of Latin America and the Caribbean; the Group of 77, or the G-77, which consists of some 120 developing countries who gather together to try to promote economic development. The Islamic Conference links together all Moslem nations, Arab and non-Arab.

In some cases, relationships that exist among countries outside the United Nations determine their behavior inside the U.N. The most striking example is how countries linked to the Soviet Union vote in the U.N. exactly as the Soviet Union votes. The relationships between the Soviet Union and Ukraine, Poland, Afghanistan are exactly the same in the Security Council or General Assemly as in the world. The Soviet Union decides.

Other groups that exist outside the U.N. function as blocs inside the organization. The European Community and ASEAN are examples, though neither is nearly so tightly disciplined and monolithic as the Soviet bloc. The Commonwealth, which links together in loose association the former members of the British empire, does not normally play a role in U.N. affairs. However, these ties are occasionally mobilized as in the Falklands conflict, when the U.K. herself was embroiled in a war with a non-Commonwealth member. Similarly, the French government maintains especially close ties to former French colonies. In several of these cases, bilateral economic assistance reinforces bonds of loyalty.

Overarching and overlapping all these groups is the most important bloc of all: the Non-Aligned Movement. Founded twenty years ago on the initiative of Tito, Nehru and Nasser at a time when the United Nations agenda tended to be dominated by East-West rivalries, this has become the most powerful bloc in the United Nations. The Non-Aligned group has grown to include some 100 of the 158 nations in the United Nations. It contains all of the African and Arab, most of the Asian and some of the Latin American states. Support from the Non-Aligned Movement guarantees the success of any resolution in the General Assembly or in any of the committees or organizations of the United Nations that operate on the principle of one country, one vote. The opposition of a united Non-Aligned Movement guarantees defeat, even inside the Security Council, where the Non-Aligned constitute a caucus of eight in a body of fifteen.

The power of the blocs depends, of course, on their cohesion as well as on their size; they are not equally cohesive. The Latin American group suffers from the same tendency toward schism that characterizes the politics of most Latin American nations. It is almost never able to agree on a common position, usually because Cuba, Guyana and Nicaragua (often joined by Mexico) block consensus. The Organization of African Unity, on the other hand, operates with notable sophistication and discipline and is usually able to reach and maintain common positions. So does the European Community. On the other hand, deep divisions inside the Arab world prevent the Islamic Conference States from acting together on most issues except those involving Israel.

The Non-Aligned, with its approximately 100 members is heterogeneous and cannot agree on many issues. But despite this heterogeneity, it is sufficiently cohesive to have influence in all arenas in the United Nations.

3. Some Consequences of Bloc Politics

As already noted, the blocs have overlapping memberships, and most U.N. members belong to more than one bloc. The fact that a number of Marxist-Leninist states are simultaneously members of the Soviet bloc and one or two other blocs as well is a source of great strength for the Soviet Union because it gives Soviet bloc representatives access to the internal procedures of other blocs. As Chairman of the Non-Aligned Movement from 1979 to 1983, Cuba was able to radicalize the NAM further and sometimes to make it serve as an instrument of Soviet foreign policy. Meanwhile, as a member of the Latin American group, Cuba was able to bloc Latin consensus on candidate slates thus forcing the selection of Latin America's representatives in many UN bodies into the General Assembly where moderates' chances of success would be lessened. Overlapping memberships of the Soviet bloc with the Arab, African, Non-Aligned group and G-77 in many cases produce the famous "automatic majority" of Third World and Soviet bloc nations. The United States, on the contrary, is a member of no group at the United Nations, though we work closely with many nations. This fact makes us rather like a country without a party in the midst of a body with a highly developed party system.

There are important rewards for belonging to one of the blocs and following its decisions. There are the pleasures of group solidarity and the displeasures of peer pressure and disapproval. There are also more concrete rewards. Blocs function as mutual protection associations and membership guarantees allies. Alliances among the blocs often guarantee each member enough allies to protect each against censure.

The United Nations response to the Libyan invasion of Chad offers an opportunity to observe how the system works. As the Libyans move in force into Chad, that country appealed to the Security Council for help. Chad is a member of the Organization of African Unity. The Non-Aligned Movement, and, as a former French colony, enjoys a special relationship with francophone Africa and with France. Libya, however, is also a member of the OAU, the NAM, and, in addition, of the Arab group, the Islamic Conference and usually votes with the Soviet bloc. By virtue of these memberships, Libya was able to divide and immobilize the African group and the NAM. Chad finally could count for help only on the francophone African members of the Security Council—Togo and Zaire—and on those western countries—the U.S., the U.K., the Netherlands and France—committed to trying to discourage the use of force in international disputes. The result has been that to this day the small, poor African nation which has been the object of invasion and occupation, has been unable to obtain relief from the Security Council.

For most countries, most of the time, bloc membership is probably the most important single determinant of their votes. But, except in the case of the Soviet bloc, it is not automatic. And although the blocs inside the United Nations importantly influence behavior inside the U.N., they rarely are more important than relations outside the U.N.—provided countries believe that what happens inside the U.N. will have significant consequences for their relations outside.

D. What the votes tell us about the U.N. today

The record in both the Security Council and the General Assembly establishes that the diverse members of those bodies are more often able to reach consensus on issues than is usually believed to be the case. Ten of twenty Security Council resolutions and 183 of 331 General Assembly actions were adopted without a negative vote. Though behind-the-scenes negotiations often were tense and prolonged, they usually resulted in consensus. The price of consensus, however, often was a rather anodyne resolution which did not contribute materially to the solution of the problem in question.

The record also shows that when no consensus existed, outcomes more often were favorable to Soviet positions than to Western views. This is partly because the political culture of the U.N. often filters the world through quasi-Marxist categories and partly because of Soviet organizational influence. Overall, the nations of the Non-Aligned Movement and Western nations agreed on about 20% of their votes, while 80%, of the time the Non-Aligned and the Soviet bloc were in agreement. Obviously, this is damaging not only to the United States but to all the industrialized democracies.

Perhaps more disturbing than the disparities in outcome, was the fact that the United States was the only major country singled out for criticism by name in several resolutions of the Thirty-Eighth General Assembly. One such resolution falsely attacked the U.S. for violating the South African arms embargo (which in fact we have not done); one unjustly attacked the U.S. for nuclear collaboration with South Africa; a third attacked the U.S. for its assistance to Israel.

Neither the Soviet Union, which maintains more than 100,000 occupation troops in a brutal war against Afghanistan, violates chemical warfare agreements, and shot down an unarmed civilian airliner; nor North Korea, whose bombs murdered South Korea's ministers in Rangoon; nor Vietnam, which maintains a huge occupation force in Cambodia; nor Libya, which invaded Chad and promotes worldwide terrorism; nor Iran, which is seeking systematically to eliminate its Baha'i population; nor states, which created great hardship by expelling tens of thousands, have been the object of specific disapproval in a U.N. resolution.

Explicit criticism of a country by name has become, inside the U.N., something very different than in most human situations. It is an act of powerful blocs against countries unable to defend themselves in the U.N. context. Only those countries which lack the protection of membership in an influential bloc are singled out for explicit criticism in the U.N. Such selective censure necessarily is discriminatory and unfair. Moreover, the political use of the U.N. to embarrass countries unable to protect themselves undermines the Organization's capacity to do the valid and important tasks for which it was created.

E. What can be done

Patterns of voting behavior in the U.N. are less rigid than is sometimes supposed. With the single exception of the Soviet bloc, it should not be assumed that membership in this or that group will necessarily determine how a country votes or speaks on a given issue. Overlapping memberships create conflicting claims; relations outside the United Nations may conflict with relationships inside the U.N. There are significant variations in the votes on important issues among the nations of Africa, the Islamic Conference and in the Non-Aligned bloc. It should never be assumed that membership in this or that bloc constitutes an automatic reason for casting a hostile vote. Togo and Zaire, for example, almost always agreed with the Western nations in the Security Council votes; Zimbabwe was usually on the other side of conflicted issues; yet all three are active members of the African and Non-Aligned groups. It is only necessary to look at the voting support scores to understand that countries within each of the groups diverge on important issues.

The United States has many good friends among the members of the United Nations and in most of its blocs. If countries which are good friends of the U.S. outside the U.N. do not always act like good friends inside that body, an important reason is surely our failure to communicate that the United States cares deeply about U.N. outcomes. Experience has shown that when we let other nations know we are deeply interested in an outcome, those others are much more likely to take our values and interests into account in casting their votes. The goal of the Administration in the United Nations is to encourage that body to contribute, as it was originaly intended, to the peaceful resolution of disputes among nations, the enhancement of human freedom and human rights, the encouragment of economic development and well-being of peoples. The Congress' help in underscoring our national concerns and values, and their connection with voting patterns in the U.N. context, surely will help.

THE THIRTY-EIGHTH GENERAL ASSEMBLY: ALL VOTES

A NOTE ON METHODOLOGY

The tables contained in this section reflect percent coincidence of countries' votes with the U.S. in the 38th UN General Assembly Plenary. This coincidence takes into account all recorded votes, including procedural motions and paragraph votes, which occurred in the Plenary but does not include issues approved without vote or by consensus. The percent coincidence is calculated on the basis of Yes/No votes only and does not take into account abstentions or absences. This method provides less distortion than any alternative. Table 1 is broken down according to geographical regions. Tables 2-9 reflect voting coincidence according to significant regional or political groupings.

U.N. Voting record,[1] 38th General Assembly—All UNGA plenary votes[2]

	Percent[3]
Africa:	
Ivory Coast	30.5
Swaziland	29.0
Liberia	28.3
Chad	26.0
Zaire	25.9
Somalia	25.2
Malawi	24.7
Morocco	23.7
Togo	23.6
Lesotho	23.5
Egypt	23.4
Cameroon	22.2
Gabon	22.2
Central African Republic	21.9
Sudan	21.0
Botswana	20.2
Niger	20.2
Equatorial Guinea	20.0
Senegal	19.8
Mali	19.7
Mauritius	19.7
Nigeria	19.7
Gambia	19.5
Kenya	19.0
Mauritania	19.0
Ghana	18.9
Tunisia	18.9
Rwanda	18.4
Guinea	18.0
Uganda	17.9
Burundi	17.8
Sierra Leone	17.8
Zambia	17.8
Comorow	17.5
Tanzania	16.4
Djibouti	16.3
Madagascar	15.7
Upper Volta	15.3
Congo	15.2
Zimbabwe	15.2
Benin	14.3
Ethiopia	13.7
Guinea Bissau	13.4
Algeria	13.2
Cape Verde	12.4
Sao Tome and Principe	12.3
Libya	11.4
Seychelles, The	10.3
Angola	10.0
Mozambique	8.7
Group average	18.6
Eastern Europe:	
Yugoslavia	19.1
Romania	16.3
Poland	14.6
Hungary	14.1
Czechoslovakia	14.0
Bulgaria	13.8
Byelorussia S.S.R.	13.8
German Democratic Republic	13.8
Ukraine	13.8
U.S.S.R.	13.8
Albania	4.4
Group average	14.2
Americas:	
Canada	76.8
Paraguay	45.1
Guatemala	41.0
Dominica	40.5
St. Lucia	38.6
Antigua and Barbuda	34.9
Chile	33.3
St. Christopher and Nevis	33.3
St. Vincent and Grenadines	32.7
Haiti	32.1
Costa Rica	30.5
El Salvador	30.2
Honduras	30.0
Uruguay	29.3
Barbados	28.3
Jamaica	25.4
Belize	25.0
Ecuador	24.6
Colombia	24.5
Dominican Republic	24.1
Peru	24.0
Brazil	23.6
Bahamas	23.4
Bolivia	22.7
Trinidad and Tobago	22.5
Panama	22.2
Venezuela	22.0
Suriname	20.7
Mexico	19.5
Argentina	18.5
Grenada	18.4
Guyana	17.6
Nicaragua	14.1
Cuba	10.2
Group average	26.8
Western Europe:	
United Kingdom	84.2
Federal Republic of Germany	82.0
Belgium	73.7
Luxembourg	73.7
Italy	71.3
France	67.6
Netherlands	66.3
Norway	60.4
Portugal	57.0
Iceland	56.7
Denmark	51.5
Ireland	44.4
Sweden	42.9
Spain	41.6
Turkey	40.5
Finland	38.8
Austria	36.7
Greece	26.8
Malta	21.6
Group average	53.8
No affiliation:	
Israel	93.3
Asia and the Pacific:	
Japan	69.0
New Zealand	66.7
Australia	65.6
Samoa	39.0
Solomons	38.9
Philippines	30.4
Singapore	25.6
Fiji	25.4
Kampuchea	25.0
Thailand	24.8
Nepal	23.0
Pakistan	22.8
Lebanon	22.5
Malaysia	22.1
Papua New Guinea	22.1
Indonesia	21.4
Sri Lanka	21.1
Burma	21.0
Bangladesh	20.6
China	20.5
Oman	19.8
Bhutan	19.4
Saudi Arabia	19.3
Vanuatu	19.3
Maldive	18.1
Cyprus	18.0
Jordan	17.2
Qatar	17.2
Emirates	17.0
Bahrain	16.4
India	16.4
Kuwait	15.9
Yemen North	14.3
Iran	14.2
Iraq	14.2
Mongolia	12.6
Yemen South	12.1
Syria	11.3
Afghanistan	10.3
Viet Nam	8.7

Laos	8.3
Group average	21.5

[1] Table contains all countries which participated in the 38th UNGA September-December 1983.

[2] Table reflects all votes recorded in UNGA including separate paragraph votes.

[3] Percent coincidence with U.S. votes (Yes/No).

TEN MOST IMPORTANT VOTES AFFECTING U.S. INTERESTS DURING THE 38TH UNITED NATIONS GENERAL ASSEMBLY FALL 1983

The ten votes described below were judged by the U.S. Mission to the UN as the most important affecting U.S. interests during the 38th UN General Assembly.

The ten votes selected also reflect regional and functional distribution of issues. There are two votes on the Middle East (Israel's Credentials and the Resolution on U.S. support for Israel); two on Latin America (both on Grenada); two on Africa (Apartheid and the U.S.-South Africa relationship); two on Asia (Kampuchea and Afghanistan); one on arms control (chemical and bacteriological weapons); and one on human rights (El Salvador).

Vote totals shown for each vote are Yes, No, Abstain/Absent (Y-N-AB), with the US vote shown in parentheses.

1. ISRAELI CREDENTIALS

Procedural motion that no action be taken to an amendment which would not have approved Israel's credentials.

Vote: 79(US)-43-19.

2. THE MIDDLE EAST SITUATION

Resolution 38/180 E. States awareness that reported agreements between the U.S. and Israel will increase Israel's intransigence and escalate Israel's expansionist and annexationist policies; demands that the U.S. refrain from any step that would support Israel's war capabilities.

Vote: 81-27(US)-29.

3. AFGHANISTAN

Resolution 38/29. Calls for the immediate withdrawal of foreign troops from Afghanistan, reaffirms the right of the Afghan people to determine their own form of government, and calls on all parties to work for a political solution.

Vote: 116(US)-20-17

4. KAMPUCHEA

Resolution 38/3. Deplores foreign armed intervention and occupation by foreign forces in Kampuchea, and reiterates conviction that withdrawal of foreign forces, noninterference, and non-intervention are principal components of any just and lasting resolution of the Kampuchean problem.

Vote: 105(US)-23-19.

5. GRENADA

Motion to close debate (gag rule). Approval of this motion prevented the U.S. and others from speaking in the General Assembly debate on Grenada.

Vote: 60-54(US)-24.

6. GRENADA

Resolution 38/7. Deplores armed intervention in Grenada and calls for immediate withdrawal of foreign troops from Grenada.

Vote: 108-9(US)-27.

7. CHEMICAL AND BACTERIOLOGICAL WEAPONS

Resolution 38/187 C: Requests the UN Secretary General with experts to pursue the investigation of violations of the 1925 Geneva protocol on gases and bacteriological warfare; requests completion in 1984 of documentation on identification of symptoms associated with use of prohibited agents.

Vote: 97(US)-20-30.

8. HUMAN RIGHTS IN EL SALVADOR

Resolution 38-101: expresses deepest concern that gravest violations of human rights are persisting in El Salvador, recommends reform, calls for comprehensive negotiated political solution, and urges all states to abstain from intervening and to suspend any type of military assistance.

Vote: 84-14(US)-45.

9. COLLABORATION WITH SOUTH AFRICA

Resolution 38/39 G: Expresses alarm at violation of arms embargo and continued nuclear collaboration by the U.S. and others with South Africa and condemns U.S. decision to approve request for seven corporations to provide service to South Africa's nuclear installation.

Vote: 122-9(US)-17.

10. SOUTH AFRICA

Resolution 38/39 A: Condemns the United States for its policy towards South Africa of constructive engagement; condemns the policies of the U.S., Isreal, and others, their transnational corporations, and their financial institutions for collaboration with South Africa; calls upon the IMF to terminate credits to South Africa; and recognizes that national liberation movements have the right to armed struggle against South Africa.

Vote: 124-16(US)-10.

TEN KEY ISSUES IN RANK ORDER BY REGION, 38TH GENERAL ASSEMBLY, FALL 1983

[Y-Yes, N-No, A-Absence or abstention]

	Accept Israeli credentials (resolution 1)	Condemn U.S. support for Israel (resolution 2)	Condemn Afghanistan intervention (resolution 3)	Condemn Kampuchea intervention (resolution 4)	Gag Grenada debate (resolution 5)	Deplore Grenada intervention (resolution 6)	Investigate illegal CW use (resolution 7)	Suspend assistance to El Salvador (resolution 8)	Impose embargo on South Africa (resolution 9)	Condemn U.S. support for South Africa (resolution 10)	Total		
											Agree with United States	Disagree	Abstain/ absent
Africa:													
Liberia	Y	A	Y	Y	N	A	Y	A	A	A	5	0	5
Ivory Coast	Y	A	Y	Y	N	A	Y	A	A	A	5	0	5
Togo	Y	A	Y	Y	N	A	Y	Y	Y	Y	5	3	2
Zaire	Y	A	Y	Y	A	A	Y	A	A	Y	4	1	5
Swaziland	Y	A	Y	Y	A	Y	Y	A	Y	A	4	2	4
Gabon	Y	A	Y	Y	A	A	Y	A	Y	Y	4	2	4
Chad	Y	A	Y	Y	A	A	Y	A	Y	Y	4	2	4
Central African Republic	Y	A	Y	Y	A	A	Y	A	Y	Y	4	2	4
Cameroon	Y	A	Y	Y	A	A	Y	A	Y	Y	4	3	3
Sudan	N	Y	Y	Y	N	A	Y	A	Y	Y	4	4	2
Niger	Y	Y	Y	Y	A	Y	Y	A	Y	Y	4	4	2
Kenya	Y	Y	Y	Y	A	A	Y	Y	Y	Y	4	4	2
Egypt	Y	Y	Y	Y	A	Y	Y	A	Y	Y	4	4	2
Somalia	N	Y	Y	Y	N	Y	Y	A	Y		4	5	1
Lesotho	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	4	5	1
Zambia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	6	0
Botswana	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	6	0
Rwanda	A	A	Y	Y	A	A	Y	Y	Y	Y	3	3	4
Morocco	A	Y	Y	Y	A	A	Y	A	Y	Y	3	3	4
Tunisia	A	Y	Y	Y	A	A	Y	Y	Y	Y	3	4	3
Senegal	A	Y	Y	Y	A	A	Y	Y	Y	Y	3	4	3
Mauritius	A	A	Y	Y	A	Y	Y	Y	Y	Y	3	4	3
Djibouti	N	Y	Y	Y	A	A	Y	A	Y	Y	3	4	3
Sierra Leone	A	Y	Y	Y	A	A	Y	Y	Y	Y	3	5	2
Nigeria	A	Y	Y	Y	A	Y	Y	Y	Y	Y	3	5	2
Gambia	N	Y	Y	Y	A	A	Y	Y	Y	Y	3	5	2
Guinea	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	3	6	1
Burundi	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	3	6	1
Mauritania	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	3	7	0
Malawi	Y	A	A	A	A	A	Y	A	A	A	2	0	8
Equatorial Guinea	A	A	A	Y	Y	A	A	A	Y	Y	2	2	6
Comoros	N	A	Y	Y	A	Y	A	A	Y	Y	2	4	4
Zimbabwe	A	Y	Y	A	Y	Y	Y	Y	Y	Y	2	6	2
Ghana	A	Y	Y	A	Y	Y	Y	Y	Y	Y	2	6	2
Mali	N	Y	A	Y	Y	Y	Y	Y	Y	Y	2	7	1
Tanzania	A	Y	Y	A	Y	Y	A	Y	Y	Y	1	6	3
Upper Volta	A	Y	A	A	Y	Y	A	Y	Y	Y	0	6	4
Uganda	A	Y	A	A	Y	Y	A	Y	Y	Y	0	6	4
Seychelles	A	Y	A	A	Y	Y	A	Y	Y	Y	0	6	4
Cape Verde	A	Y	A	A	Y	Y	A	Y	Y	Y	0	6	4
Benin	A	Y	A	A	Y	Y	A	Y	Y	Y	0	6	4
Sao Tome and Principe	N	Y	A	A	Y	Y	A	Y	Y	Y	0	7	3
Madagascar	A	Y	N	A	Y	Y	A	Y	Y	Y	0	7	3

TEN KEY ISSUES IN RANK ORDER BY REGION, 38TH GENERAL ASSEMBLY, FALL 1983—Continued

[Y-Yes, N-No, A-Absence or abstention]

	Accept Israeli credentials (resolution 1)	Condemn U.S. support for Israel (resolution 2)	Condemn Afghanistan intervention (resolution 3)	Condemn Kampuchea intervention (resolution 4)	Gag Grenada debate (resolution 5)	Deplore Grenada intervention (resolution 6)	Investigate illegal CW use (resolution 7)	Suspend assistance to El Salvador (resolution 8)	Impose embargo on South Africa (resolution 9)	Condemn U.S. support for South Africa (resolution 10)	Total		
											Agree with United States	Disagree	Abstain/ absent
Guinea Bissau	N	Y	A	A	Y	Y	A	Y	Y	Y	0	7	3
Algeria	N	Y	A	A	Y	Y	A	Y	Y	Y	0	7	3
Congo	A	Y	N	N	Y	Y	N	Y	Y	Y	0	9	2
Ethiopia	A	Y	N	N	Y	Y	N	Y	Y	Y	0	9	1
Angola	N	Y	N	N	Y	Y	A	Y	Y	Y	0	9	1
Mozambique	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Libya	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Asia and Pacific:													
Australia	Y	N	Y	Y	N	Y	Y	Y	N	N	8	2	0
Japan	Y	N	Y	Y	N	A	Y	A	A	N	7	0	3
New Zealand	Y	N	Y	Y	N	A	Y	Y	A	N	7	1	2
Philippines	Y	A	Y	Y	N	A	Y	N	Y	Y	6	2	2
Fiji	Y	A	Y	Y	N	A	Y	A	Y	Y	5	2	3
Thailand	Y	A	Y	Y	N	Y	Y	A	Y	Y	5	3	2
Singapore	Y	A	Y	Y	N	Y	Y	A	Y	Y	5	3	2
Papua New Guinea	Y	A	Y	Y	N	Y	Y	Y	Y	Y	5	4	1
Pakistan	N	Y	Y	Y	N	Y	Y	N	Y	Y	5	5	0
Samoa, Western	Y	A	Y	Y	N	A	A	A	Y	Y	4	2	4
Nepal	Y	A	Y	Y	A	Y	Y	A	Y	Y	4	3	3
Kampuchea	A	Y	Y	Y	N	A	Y	A	Y	Y	4	3	3
Burma	Y	A	Y	Y	N	Y	A	A	Y	Y	4	3	3
Malaysia	N	Y	Y	Y	N	Y	Y	A	Y	Y	4	5	1
Indonesia	N	Y	Y	Y	A	Y	Y	N	Y	Y	4	5	1
Bangladesh	N	Y	Y	Y	A	Y	Y	N	Y	Y	4	5	1
Solomon Islands	Y	A	Y	Y	A	A	A	A	Y	Y	3	2	5
Oman	N	Y	Y	Y	A	A	Y	A	Y	Y	3	4	3
Maldives	A	Y	Y	Y	A	Y	Y	A	Y	Y	3	4	3
China	A	Y	Y	Y	A	Y	Y	A	Y	Y	3	4	3
Shutan	Y	Y	A	Y	A	Y	Y	A	A	Y	3	4	3
Sri Lanka	Y	Y	Y	Y	Y	Y	A	A	Y	Y	3	5	2
Saudi Arabia	N	Y	Y	Y	A	Y	Y	Y	Y	Y	3	6	1
Lebanon	A	A	Y	A	A	A	Y	A	Y	Y	2	2	6
United Arab Emirates	N	Y	Y	Y	Y	Y	A	Y	Y	Y	2	7	1
Qatar	N	Y	Y	Y	Y	Y	A	Y	Y	Y	2	7	1
Kuwait	N	Y	Y	Y	Y	Y	A	Y	Y	Y	2	7	1
Bahrain	N	Y	Y	Y	Y	Y	A	Y	Y	Y	2	7	1
Vanuatu	A	A	Y	A	Y	Y	A	Y	Y	Y	1	5	4
Jordan	N	Y	Y	A	A	Y	A	A	Y	Y	1	5	4
Cyprus	Y	Y	A	A	Y	Y	A	Y	Y	Y	1	6	3
Iran	N	Y	Y	A	A	Y	A	Y	Y	Y	1	7	2
Yemen Arab Representative	N	Y	A	A	A	Y	A	A	Y	Y	0	5	5
Iraq	N	Y	A	A	A	Y	A	Y	Y	Y	0	6	4
India	A	Y	A	A	Y	Y	N	Y	Y	Y	0	7	3
Yemen, People's Democratic Republic of	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Vietnam	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Syrian Arab Republic	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Mongolian People's Republic	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Laos	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Afghanistan	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
The Americas:													
Paraguay	Y	N	Y	Y	N	A	Y	N	N	N	9	0	1
Canada	Y	N	Y	Y	N	A	Y	Y	N	N	8	1	1
Guatemala	Y	N	Y	Y	N	A	Y	N	A	A	7	0	3
Honduras	Y	N	Y	Y	N	A	Y	N	A	Y	7	1	2
El Salvador	Y	A	Y	Y	N	N	Y	N	A	Y	7	1	2
Saint Lucia	Y	A	Y	Y	N	N	Y	N	Y	Y	7	2	1
Haiti	Y	N	Y	Y	A	A	Y	N	Y	Y	6	2	2
Chile	Y	N	Y	Y	N	Y	A	N	Y	A	6	2	2
Antigua and Barbuda	Y	A	Y	Y	N	N	Y	A	Y	Y	6	2	2
Uruguay	Y	A	Y	Y	N	Y	Y	N	Y	Y	6	3	1
Jamaica	Y	A	Y	Y	N	N	Y	Y	Y	Y	6	3	1
Dominica	Y	A	Y	Y	A	N	Y	A	A	A	5	0	5
Saint Vincent	Y	A	Y	A	N	N	Y	A	Y	Y	5	2	3
Costa Rica	Y	N	Y	Y	A	Y	Y	A	A	Y	5	2	3
Belize	Y	A	Y	Y	N	A	Y	A	Y	Y	5	2	3
Peru	Y	A	Y	Y	N	Y	Y	A	Y	Y	5	3	2
Bahamas	Y	A	Y	Y	N	Y	Y	A	Y	Y	5	3	2
Dominican Republic	Y	N	Y	Y	Y	Y	Y	A	Y	Y	5	4	1
Barbados	A	A	Y	Y	N	N	A	A	Y	Y	4	2	4
Venezuela	Y	A	Y	Y	N	Y	A	A	Y	Y	4	3	3
Trinidad and Tobago	Y	A	Y	A	N	Y	Y	A	Y	Y	4	3	3
Ecuador	Y	A	Y	Y	A	Y	Y	A	Y	Y	4	3	3
Bolivia	Y	A	Y	Y	A	Y	Y	A	Y	Y	4	3	3
Colombia	Y	A	Y	Y	Y	Y	Y	A	Y	Y	4	4	2
Brazil	Y	A	Y	Y	Y	Y	A	N	Y	Y	4	4	2
Suriname	A	Y	Y	Y	A	Y	Y	A	Y	Y	3	4	3
Argentina	Y	A	Y	Y	Y	Y	A	A	Y	Y	3	4	3
Panama	Y	A	Y	A	Y	Y	A	A	Y	Y	2	4	4
Mexico	Y	A	Y	A	Y	Y	A	Y	Y	Y	2	5	3
Guyana	A	Y	Y	N	Y	Y	Y	Y	Y	Y	2	7	1
St. Christopher	A	A	Y	A	A	A	A	A	A	A	1	0	9
Grenada	A	A	A	A	Y	Y	A	A	A	A	0	3	7
Nicaragua	N	Y	A	N	Y	Y	A	Y	Y	Y	0	8	2
Cuba	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Western Europe:													
United Kingdom	Y	N	Y	Y	N	A	Y	A	N	N	8	0	2
Germany, Federal Republic of	Y	N	Y	Y	N	A	Y	A	N	N	8	0	2
Portugal	Y	N	Y	Y	N	Y	Y	Y	N	N	8	2	0
Italy	Y	N	Y	Y	N	Y	Y	Y	N	N	8	2	0
France	Y	N	Y	Y	N	Y	Y	Y	N	N	8	2	0
Luxembourg	Y	N	Y	Y	N	A	Y	Y	A	N	7	1	2
Belgium	Y	N	Y	Y	N	A	Y	Y	A	N	7	1	2
Norway	Y	N	Y	Y	N	Y	Y	Y	A	N	7	2	1
Netherlands	Y	N	Y	Y	N	Y	Y	Y	A	N	7	2	1
Iceland	Y	N	Y	Y	N	Y	Y	Y	A	N	7	2	1

TEN KEY ISSUES IN RANK ORDER BY REGION, 38TH GENERAL ASSEMBLY, FALL 1983—Continued

[Y-Yes, N-No, A-Absence or abstention]

	Accept Israeli credentials (resolution 1)	Condemn U.S. support for Israel (resolution 2)	Condemn Afghanistan intervention (resolution 3)	Condemn Kampuchea intervention (resolution 4)	Gag Grenada debate (resolution 5)	Deplore Grenada intervention (resolution 6)	Investigate illegal CW use (resolution 7)	Suspend assistance to El Salvador (resolution 8)	Impose embargo on South Africa (resolution 9)	Condemn U.S. support for South Africa (resolution 10)	Total		
											Agree with United States	Disagree	Abstain/ absent
Sweden	Y	N	Y	Y	N	Y	Y	Y	A	A	6	2	2
Ireland	Y	N	Y	Y	N	Y	Y	Y	A	A	6	2	2
Denmark	Y	N	Y	Y	N	Y	Y	Y	A	N	6	2	2
Austria	Y	A	Y	Y	N	Y	Y	Y	A	A	5	2	3
Spain	Y	A	Y	Y	A	Y	Y	Y	A	A	4	2	4
Turkey	A	Y	Y	Y	N	A	Y	A	Y	Y	4	3	3
Greece	Y	Y	Y	Y	Y	Y	Y	Y	A	A	4	4	2
Finland	Y	N	A	A	N	Y	A	Y	A	A	3	2	5
Malta	A	Y	Y	Y	A	Y	Y	Y	Y	Y	3	5	2
No affiliation:													
Israel	Y	N	Y	Y	N	N	Y	A	A	A	7	0	3
Eastern Europe:													
Yugoslavia	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	3	6	1
Romania	Y	Y	A	A	Y	Y	Y	A	Y	Y	2	5	3
Albania	N	Y	A	N	A	A	A	A	Y	Y	1	4	5
Hungary	A	Y	N	N	Y	Y	N	Y	Y	Y	0	9	1
Ukraine	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
U.S.S.R	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Poland	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
German Democratic Republic	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Czechoslovakia	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Byelorussia	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0
Bulgaria	N	Y	N	N	Y	Y	N	Y	Y	Y	0	10	0

Mr. LONG. Mr. President, will the Senator yield?

Mr. KASTEN. I shall be pleased to yield to the Senator from Louisiana.

Mr. LONG. Will the Senator be so kind as to make the information on voting patterns of various countries available, for insertion in the CONGRESSIONAL RECORD or some sort of pamphlet that calls it to the attention of each Senator? I know very often, when we look at trade matters as well as matters that involve foreign aid, we could take those matters into account. When people, just as a matter of vicarious pleasure, proceed to vote against or condemn the United States for no good reason, it seems to me we ought to return the favor. When looking at something we could do just as easily as not do, from my point of view, it would be well to withhold it.

I have not been very enthusiastic about much of this foreign aid business, anyway. But if we are going to have a foreign aid program, we ought to treat those who have a way of acting as though they are our friends better than those who seem to delight in kicking Uncle Sam or glory in doing it. It ought to cost them something, especially when we are in a position to do someone a favor.

Mr. KASTEN. Mr. President, I should like, first of all, to thank the Senator from Louisiana, the distinguished ranking member of the Committee on Finance, for his comments. I want to say to him that I will be providing a detailed examination, country by country, on key votes and overall votes. I am enthusiastic about the possibility of working with the Senator from Louisiana on trade matters as well as other matters of foreign assistance because this is all related, Mr. President. I hope that, during this week, these votes will become more and more apparent, not just to Members of the Senate and House of Representatives, but also more apparent to the American public.

Mr. LONG. I thank the Senator.

Will the Senator yield further?

Mr. KASTEN. I am pleased to yield to the Senator from Louisiana.

Mr. LONG. The Senator knows that votes of Ambassadors to the United Nations, just as vote of Senators here in the U.S. Senate, oftentimes reflect a variety of considerations. There are times when a Senator finds he has a very good friend in this body voting contrary to his position because that person had the considerations of his own constituency to consider. When the interest of his own State seems to be in conflict with the interest of the State represented by some other friend who is serving in the Senate, you can expect each Senator to reflect the point of view of those who sent him here. The same thing, I am sure, is appropriately true in the United Nations; there will be times when other nations have a compelling reason to vote contrary to the way we would vote here. But taking all those things into account, the point should be very obvious that there will be many occasions when there is every reason why some of these nonalined countries should vote with us and no good reason why they should vote the other way. I hope that, as the Senator is analyzing those matters, he will be able to point out on some basis by careful analysis how certain nations have just been voting against us willynilly, for no good reason whatever, even when logic would suggest that they ought to be voting with us.

That is the type of thing I think we ought to be taking into consideration. It is one thing for someone to engage in an unfriendly act when he has a compelling reason to do so. It is another reason for them to do it when they have no good reason for doing so.

That is the type of thing the Senator, I know, would want to point out to us, and I hope he will be able to provide detailed information because sometimes just a cold statistic or study does not show as much as it does when you analyze it to determine what consideration if any, there was for these varied nonalined countries to vote against us.

Mr. KASTEN. I agree with the Senator from Louisiana, and I recognize that there are times when it is going to be in a country's legitimate interests to vote in a certain way. What we are trying to do here for the very first time is to put all these votes out before us so that they can be analyzed. I believe that this first report is an historic moment. Now that we are able to analyze these votes, we can go forward and look at them in terms not only of American foreign assistance but also in terms of the trade policies which have been of such interest to the Senator from Louisiana. So I am anxious to work with the distinguished Senator from Louisiana as we look at these votes and evaluate the voting patterns.

Mr. LONG. Mr. President, the Senator from Louisiana has on occasion had some group of outstanding constituents bring in their record as to how they would judge this Senator based on his votes on a variety of issues in which they are interested. I must say that is interesting for one to have to defend his record when someone has carefully compiled a long list of votes and feels a Senator's record in representing his constituents has not

been what that particular group thinks it should be.

It seems to me we certainly have a right with regard to some so-called friendly countries to call the roll and ask them to explain on behalf of their government why their representatives voted against us time after time when there appeared to be no good reason for it, especially if they think we ought to help them with some of their affairs from time to time.

Mr. KASTEN. I do not want to get ahead of myself, but in preparing this series of speeches and analyzing the votes, there is a particularly interesting group of countries whose behavior I want to quickly share with the Senator from Louisiana. There are a number of countries who voted against a resolution condemning the Soviet invasion of Afghanistan, and then turned and voted to condemn the U.S. rescue operation in Grenada. That is an interesting group of countries.

Mr. LONG. Yes.

Mr. KASTEN. We are going to make these kinds of comparisons as we go through the period of the next week or 10 days and develop these kinds of voting patterns. So I thank the Senator from Louisiana for his interest and I look forward to working with him.

Mr. LONG. I thank the Senator.

Mr. KASTEN. I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

HOW WILL NEW TECHNOLOGY AFFECT THE RISK OF NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, can we find salvation from nuclear destruction in reliance on improvements in nuclear weapons that will protect us from a nuclear attack? That is a tempting alternative to reliance on arms control. Many Americans feel uneasy with negotiations to end the nuclear arms race. We are not negotiating with the Pope. We have to negotiate with the Soviet Union—Communist Russia.

We do not consider the Soviets trustworthy. They have violated agreements in the past. They will do it again if they can get away with it. On the other hand, we have a marvelous scientific capability—our scientists lead the world. as the Nobel Prize record shows. We spend far more on research and development than any other country; indeed, we spend more on scientific research than all other nations in the world combined.

With few exceptions, our military technology has stayed well ahead of the Soviet Union. The Soviets have an advantage in the size of their armed forces. They have more tanks, more planes, more missile launchers, greater throw-weight and greater yield potential from their nuclear weapons. On the other hand, technology is our forte. In virtually every technological area, we have the advantage. Our planes are faster, more maneuverable, with greater firepower. Our tanks are also faster, can fire on the run, are less vulnerable, and have greater firepower. Our submarines are quieter and our nuclear armed submarines have much greater accuracy and far greater capacity to deliver nuclear weapons on the Soviet Union than vice versa. The Soviet Union has a crude antisatellite system. Ours is not deployed, but it is far in advance of anything the Soviets have on the drawing board. Our antisubmarine warfare technology decisively leads the Soviets.

In view of this clear record, why can we not rely on technology and deterrence for our salvation and just finesse the slippery treachery of agreements with Communist Russia? The trouble, Mr. President, is that the technology game moves rapidly and unpredictably. And again and again we find that whatever technological advantage we may enjoy in any particular nuclear weapon at any time, it is likely to be short lived. We found this to be true with MIRV'd missiles. Here we had a new technology that gave us a sharp advantage over the Soviet Union: We could equip a single launcher with multiple warheads and make each warhead capable of striking a different target in distant and different locations.

About the time we were congratulating ourselves on winning a critical nuclear arms advantage over the Soviet Union, we discovered that the Soviets had rapidly and expertly copied our technology. What was even worse, the development of these multiple, independent targetable, reentry vehicles, or MIRV's, by both sides had given each a devastating but highly vulnerable nuclear weapons system that would have to rely on hair-trigger, use it or lose it tactics. So what happened to our technology advantage? It ended up with a system that diminished the military security of both sides and brought nuclear war closer.

Unfortunately, Mr. President, almost any new nuclear arms technology—defensive or offensive—tends to do just this. Consider what the newest advances in technology have done to each leg of our nuclear deterrent triad: land-based missiles, bombers, and submarines. Harvard University scholars in their book, "Living With Nuclear Weapons," put the case this way for land-based missiles:

> ABM technology has advanced over the past decade but so has the offensive missile technology it is intended to counter and the advantage remains with the offense. If the Soviet Union developed a workable defensive system before the United States, for example, American officials would fear that Soviet incentives to avoid nuclear war would be diminished. A defensive-dominated world might also be less stable depending on how perfect defense systems were believed to be. In such a world, there might be heightened incentives for surprise attack, or for efforts to develop new, more decisive offensive systems.

So, sure, we can dream about a perfect American defense system that can locate and knock out incoming Soviet missiles before they could reach their American targets. We can even dream of weapons capable of spiking Soviet missiles in their launching pads. Sadly, these are dreams which contribute to the uncertainty and, therefore, the increased danger of nuclear war. Any defensive system we or the Soviets develop tends to weaken the precise basis of our prime reliance on deterrence to avoid nuclear war.

As for a second leg of the triad—bombers—advancing technology threatens that aspect of deterrence, too. The Soviets look-down, shoot-down systems with airborne radar and missiles that detect and destroy low-altitude targets could nail our bombers on the ground. The same system threatens our air-launched and sea-launched ballistic missiles.

The third leg of our triad—our sea-launched ballistic missiles based on our submarine fleet—seems relatively safe from Soviet technology at the moment, but perhaps only for the moment. The advances in antisubmarine warfare have been impressive. For now, our antisubmarine warfare technology seems well ahead of the Soviet Union. But as in other areas of nuclear weapons competition, that could change and jeopardize our sea-launched deterrent, which is by far our surest present reliance for nuclear deterrence.

This nightmare of an onrushing nuclear arms technology is what inspired Leslie Gelb, in his classic article in the New York Times, to point out that the deterrent reliance that has served the cause of peace so well for more than three decades could evaporate in the next 10 or 15 years and bring the reality of nuclear war much closer.

So, Mr. President, we cannot rely on technology to save us from the nuclear holocaust that an unrestrained arms race will bring. We literally have no alternative to arms control. The sooner, the more comprehensive, and the more verifiable the arms control treaty we negotiate with the Soviet Union the better will be the chances for our children and grandchildren to live out their lives.

MANNED SPACE STATION COSTLY AND SCIENTIFICALLY UNNECESSARY

Mr. PROXMIRE. Mr. President, the Senate will shortly be called upon to commit the first $150 million for the planning of an orbiting civilian space station. This relatively small first step of funding will lead to one giant leap into a highly questionable program which may ultimately cost the taxpayers $20 billion or more over the next 15 years.

Two recent articles cogently argue the folly of moving forward on this NASA-instigated outer space white elephant.

Thomas Gold, a professor of astronomy at Cornell Center for Radiophysics and Space Research at Cornell University, convincingly argues that such a space station would indeed be a misstep for mankind because it would divert funds from cheaper but scientifically more important unmanned space projects.

Mark Washburn, writing in yesterday's Washington Post, expands upon Dr. Gold's comments. He points out the tremendous costs of providing life-support and redundant safety systems for manned space flights.

Since unmanned space craft can do just about all the tasks a manned space craft can but at a considerably lower price and also perform many scientific experiments beyond the ability of manned space craft, I am at a loss to understand the need to hastily spend tens of billions of dollars on NASA's outer space version of a gigantic public works project.

I urge my colleagues to read the articles by Tom Gold and Mark Washburn, and I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Newsday, Mar. 20, 1984]

SPACE STATION—A MISSTEP FOR MANKIND

(By Thomas Gold)

When, in 1957, the space age began with the launching of the Soviet Sputnik, it fired the imagination of people all over the globe. To most people it was a vindication of science fiction, a victory of "far-out thinking" over the dreary and unimaginative. Here was the first step accomplished of the ladder of science-fiction achievement, whose later rungs are manned flight around the solar system and then even to the stars.

All these things had been predicted and been said to be impossible. Who was not to say that they could not all be done? It seemed that the courageous thinkers were right and the timid would perish in ridicule.

This dream world was the very real background against which the government had to guide its space programs. Financing was dependent on the support of a broad cross-section of the people, and an appeal to their space dreams became a major factor in all planning. However useful unmanned, instrumented vehicles proved to be, the National Aeronautics and Space Administration judged manned flights to have the greater public appeal. The culmination of this policy was the "greatest show on Earth," the 1969 Apollo landing on the Moon (600 million viewers on world television), and it showed what can be achieved for $21 billion.

Alas, this giant step for mankind was not to be followed by another. The Apollo flights to the moon now look more like the end of an era rather than the beginning.

The shuttle was the next manned project, but it could fire the imagination only if it could be seen as the tool for new space conquests. Manned flights to Mars were hinted, but could not be seriously proposed.

Now NASA proposes to build a space station, and has obtained the support of President Reagan. A large space habitat is to be assembled in orbit, from smaller units that can be carried up by the shuttle. It would house several persons, and it would be kept permanently manned. A range of experiments and observations would be carried out on board. The cost? It is hardly worth quoting the $8-billion to $20-billion estimates now being made.

The expense of the space station project would be much greater than that of construction. A regular sequence of space launches would be required to supply and refurbish the spacelab. Running the space station would become the bread-and-butter work of NASA on a far higher level of expenditure than NASA is operating on now. A commitment of this kind would assure NASA and a substantial part of the aerospace industry a high level of support for a long time to come.

Even if the space station did not justify its running expenses, politically it would be extremely difficult to abandon such a program, when the initial cost had been so high. The decision to build a space station is therefore one that will fix the direction of the U.S. space program for a long time to come. Is it the right direction?

It is sometimes said that it is inevitable that man will fly to the other planets, or even to other solar systems far out there among the stars. Surely the space station is the first step in that direction, to learn how to assemble large units in orbit, and to learn how to live for long periods in space.

Unfortunately, so long as we have only the propulsion that chemical rockets can provide, an expedition to another planet is not practicable. It would require the assembly in orbit of a ship of many thousands of tons, and the cost would be very many times the cost of the Apollo program. The round-trip time to Mars would be more than two years. It is possible, yes, but it is not likely to happen.

If one day a far more efficient propulsion system is invented, then perhaps one can think again. But that will not happen overnight, and there will be plenty of time to exercise men in orbit while this new capability is being developed. The space station is not tackling the hard part of the problem; it is only dealing with the part that we know we could solve.

Another "inevitability" claim is that human populations will eventually spill out into space, and large space cities will accommodate those whom the Earth can no longer harbor. The space station is to be the first step. But if it is population pressure that is to create this situation, then first we would surely want to fill those areas on Earth that are empty at the moment but much more easily supplied with the wherewithal for living than outer space.

Another claim has been that the space station would serve as a good observation post, both for looking up and looking down. But for that it is clearly inferior to the unmanned vehicles that are already in common use. Looking down on the Earth for military surveillance or for the various studies of the Earth's surface and the atmosphere requires a variety of orbits, especially orbits that go to high geographic latitudes and orbits that are stationary with respect to the rotating Earth. The space station will only be in one low-latitude, close-Earth orbit. and it will be essentially immovable from that orbit. Furthermore, observing equipment, for the most part, has its accurate pointing upset by the slightest motion on a spacecraft. For this reason, an unmanned vehicle is far preferable.

A manned space station could act as a base for men to go out and assemble very large structures, such as radio antennas. They could serve useful purposes, both for astronomical observations and for terrestrial communications systems. But before deciding that such a construction would justify a reasonable fraction of the cost of a space station, one would have to know what purpose is to be served, whether the orbit is a desirable one, and what the costs of various methods of assembly—manned or unmanned—might be. Deciding on the means of doing a job before specifying the job itself is never a good policy.

Another suggested purpose is the manufacture of goods in zero gravity or the good vacuum of space. It certainly has not yet been demonstrated that sufficiently valuable products could be made there that could not be made on Earth, even with investments of many billions of dollars. During the quarter century of space flight, the possibility has often been discussed, yet not a single example of such a product exists. This is so despite many manned space missions that searched for things to do and settle for such experiments as determining which way guppies would swim, or whether a particular spider could build its web in zero gravity.

The one field where one cannot doubt the utility of long-duration manned space flight concerns the physiological effects that such space flight has on humans. But why would this justify a multibillion dollar program, when there is no plan in sight that requires prolonged manned space flight?

Unmanned, instrumented space vehicles are free from many of the limitations which exist for manned flight. They are cheap by comparison; light and small; they do not have to be returned; they can transmit any information that can be gathered from locations to which they go; they can be sent on a great variety of orbits and trajectories, and they can endure flights of many years' duration.

The technology of detailed remote control and of data management is advancing rapidly, and any action that an astronaut could take in an Earth-orbital vehicle could also be commanded from the ground to a remotely controlled mechanism in an unmanned spacecraft. It seems so clear to many scientists and engineers that this is the way of progress of modern technology, that the continued preoccupation of NASA with manned flight is a stumbling block.

The space station would drain funds and technological ability away from advanced unmanned projects, and slow down the evolution of our real space capabilities.

[From the Washington Post, Apr. 1, 1984]

WHAT'S A SPACE STATION GOOD FOR?

(By Mark Washburn)

A Strauss Waltz plays as the gleaming space station rotates like a giant, high-tech wagon wheel in the inky void. A shuttle glides toward the busy docking bay, where another shuttle is being readied for the commute back to Earth. Inside the station, in the zero-gravity hub, scientists conduct experiments while engineers monitor space "factories" where computer chips and pharmaceuticals are being manufactured.

This is the Hollywood version of a space station, and the picture that many Americans probably have of it. But it is a far cry from the manned facility that Ronald Reagan has approved. The real thing will be a small, isolated outpost in a hostile environment, difficult and expensive to reach, tedious to live in and limited in its capabilities for conducting either scientific research or commercial operations. It will take nearly a decade to build and undoubtedly will cost far more than the current $8 billion price tag.

Reagan apparently was won over to this project by a vision of enhanced American prestige in space—a sort of Stanley Kubrick version of "America is back"—and by the prospect of a new frontier of commercial enterprise. In his State of the Union address, the president emphasized the role of the private sector in space, and there are signs that industry and private entrepreneurs are picking up on his lead.

But large as the potential scientific and industrial benefits may be from this project, the country would do well to consider carefully what it is getting for its money—and what other options may be available in space—before plunging ahead.

The manned space station will preempt vast amounts of money that could go to other endeavors, ranging from scientific exploration of the planets, to robot probes of the asteroids that could have long-term commercial benefits. Unresolved questions about our space priorities remain, and conflicts continue to fester between groups with different interests; scientists, supporters of commercial exploration and engineers whose priority is manned space exploration.

The space station, long a goal of the National Aeronautics and Space Administration, had (and still has) a powerful group of critics. They include presidential science adviser George A. Keyworth II, who has expressed concern about the emphasis on manned activities; the Pentagon, which sees no military mission for the facility, and the Office of Management and Budget, which is worried about the cost. This type of space station was also opposed by large segments of the scientific community, which would prefer to see the money spent on scientific experiments and unmanned projects.

To be sure, the station's commercial role may represent the shape of things to come. There are signs that the possibility of manufacturing in space is, at last, beginning to move out of the realm of fantasy and onto corporate drawing boards. Drug production, for example, is a potentially fruitful field. McDonnell Douglas and Johnson & Johnson already have developed procedures for manufacturing pharmaceuticals in space by a process called electrophoresis, which uses the gravity-free environment to purify biological materials such as enzymes and hormones. Johnson & Johnson researchers are looking at 30 to 40 possible products, including insulin and interferon.

The computer industry is also looking skyward. IBM recently abandoned a 20-year effort to develop low-temperature computer technology in favor of a new generation of gallium arsenide "superchips." Gallium arsenide crystals have been found to grow extremely well in zero gravity.

Space is also beginning to attract the attention of venture capitalists and private entrepreneurs. Last month, a former NASA official announced he had formed a private company to build a robot space station that could be placed in orbit by the shuttle before the completion of the government's more advanced station. It would be a small platform that could be leased for manufacturing and could be serviced by shuttle astronauts.

Fairchild Corp. is planning a more ambitious, cube-shaped orbital platform for manufacturing that could be launced by the shuttle as early as 1987. McDonnell Douglas' pharmaceutical factory may be the first payload for the facility, which has been called Leasecraft and would carry automated factories or experiments into orbits as high as 1,000 miles and return them to low orbit for periodic servicing by the shuttle. Customers would rent space aboard the Leasecraft for about $3 to $5 million per month.

Despite this upbeat news, though, there are big economic, technological and political obstacles to using space as a new industrial frontier, as envisioned by space station proponents. In the '60s and '70s, it was possible to parlay a good idea, and empty garage and $100,000 into an electronics empire. But a space enterpreneur's good idea would require more like $100 million to turn it into reality.

"We don't yet have a firm customer for Leasecraft," says John Naugle, a former NASA official who is now senior director of the Leasecraft program. Naugle hopes for a definite commitment from McDonnell Douglas by July of this year. But McDonnell Douglas, in terms of research and development, is years ahead of any other potential customer. "There is a lot of interest," says Fairchild's William Fullwider, "but there is reluctance to take the first step. Our feeling is that once it does happen, things will begin falling in line."

Outside the aerospace industry, however, there seems to be little appreciation of the commercial possibilities offered by a gravity-free, vacuum environment. "The educational process is underway," says Naugle.

It will be an expensive education, with little hope of profits in the near future. In the case of microelectronics, the price of producing space-grown gallium arsenide crystals is daunting: about $30,000 an ounce. And the government space station will not be ready for 10 years—a millenium in the fast-paced computer industry.

What comes down from space must first go up. But no private launching capacity yet exists, so any industrial exploitation of space depends at this point on a government subsidy, in the form of a ride on the shuttle. Does this administration, which is so in favor of free enterprise, really want to become involved in this kind of government "targeting" of growth industries in space?

As the twin failure of booster rockets for the Westar and Palapa satellites on the last shuttle trip showed, the financial risks are huge. The two satellites were insured for $75 million each. As one businessman said recently, industry is reluctant to "put a billion dollars into orbit."

Given these uncertainties, the current excitement in Washington over the commercial possibilities of a manned space station has scientists worried. They fear that the project will swallow up funds that could better be spent on other endeavors with bigger long-term payoffs. They fear that the engineers and enthusiasts of manned activity in space will get the lion's share of the funds—as happened during the Apollo program, and later during the production of the shuttle.

NASA's planetary exploration program was especially hard hit by the shuttle. The spectacular successes of the Viking mission to Mars and the Voyager mission to the outer planets have not been followed up by new missions. During the shuttle-building era, only one new planetary mission was funded, and that—the 1986 Galileo mission to Jupiter—has faced repeated delays due in part to problems with the shuttle, which is to be the Galileo launch vehicle.

Hoping to avoid another hiatus, NASA established the Solar System Exploration Committee (SSEC) in November 1980 with the intention of designing a logical, practical, and inexpensive planetary strategy for the '80s and beyond. The first report of the group, which was dominated by scientists, recommended a core program consisting of 14 new missions, two of which have received start-up funds. The Venus Radar Mapper, with a planned 1988 launch date, should give scientists a detailed look at the surface of that cloud-shrouded sister planet. The 1990 Mars Geoscience Climatology Orbiter will be the first American mission to the Red Planet since the two Viking spacecraft landed there in 1976. In addition, the SSEC hopes to win approval for a comet rendezvous and/or asteroid flyby mission, and a Saturn orbiter with a probe of Saturn's moon, Titan, to take place in the early or mid-1990s.

These missions were chosen according to three basic criteria: high scientific priority, moderate technological challenge and modest cost. Central to this game plan are the Planetary Observer and the Mariner Mark II, inexpensive general-purpose spacecraft "buses" that will deliver scientific instruments to their planetary targets. In contrast to the Vikings and Voyagers, which carried more than a dozen individual experiments, the Mariner Mark IIs and Planetary Observers will be limited to three or four.

The recommendations would eliminate the cycles of feast and famine that have plagued the plantetary program, but at the cost of ambitious, science-intensive missions such as Voyager. A Mars Rover, a sort of "Viking with treads," capable of traversing thousands of miles of the rugged Martian terrain, has been at the top of planetary scientists' wish lists for years, but the SSEC report specifically excluded it, along with other billion dollar missions. Not considered because of cost factors were such missions as an unmanned Mars mission to bring back samples of the planet's surface materials; a round-trip probe through the tail of a comet to gather samples; and a soft landing and data-gathering mission to Titan.

Scientists' optimism about the SSEC program has been tempered by the 1985 Reagan budget proposal, however. Although the administration signed on for the Venus and Mars missions, funds have not been allocated for the development of the Planetary Observer spacecraft, which is regarded as a keystone to the SSEC plan. Also, funds for the analysis of data already collected by Viking and Voyager have been cut back. Some scientists regard the budget proposal as an implied rejection of the basic SSEC

program. The omissions in the budget proposal, they fear, may be harbingers of the same sort of slow death-by-attrition that the SSEC was designed to prevent.

Another worry is that even after experiments are built and launched, the funding needs of the space station may cut into operating budgets, as has happened in the past.

If the SSEC program survives, planetary scientists should enjoy a modest renaissance during the coming decade. The Galileo spacecraft, to be launched in 1986, will arrive at Jupiter in 1988 and drop a probe into the seething atmosphere of that giant planet. During the following three years, the Galileo Orbiter will return data about Jupiter's four major moons, Callisto, Ganymede, Europa, and Io. The pictures should be even more spectacular than those from Voyager; surface details as small as 20 meters across will be seen on Ganymede and Io.

Galileo is supposed to be followed by the Venus and Mars missions, and possibly two others. One is a mission to the asteroid belt that would give us our first detailed look at a potentially important class of astronomical objects. Metals and organic materials mined from the asteroids may become a primary resource for both Earth and space in the 21st Century. (In the long run, it will be cheaper to mine the moon and asteroids than to ferry raw material to bases and stations in space from Earth.)

The other mission, to Saturn, would send a probe into the opaque atmosphere of the giant moon Titan, where a planet-wide ocean of complex organic molecules may mimic conditions on Earth before life began.

Meanwhile, Voyager 2 is still alive and reasonably well. Launched in 1977, it is headed for a January 1986 encounter with the planet Uranus and, if the spacecraft survives, an August 1989 flyby of Neptune.

Barring funding cuts incurred by the space station, non-planetary scientists should also have a productive decade as a result of the scheduled launching aboard the shuttle of the Hubble space telescope in 1986. It will see seven times deeper into the universe than the biggest and best ground-base observatories.

If these U.S. scientific projects sound lavish, it is worth noting that other nations are also busy pursuing scientific goals. The Soviet planetary exploration program continues to focus on Venus, where Veneral probes have already made successful landings. A joint Soviet-French mission to Halley's Comet is scheduled for 1986. Halley will also be the target of a Japanese scientific mission, launched by a Japanese rocket, and the European Space Agency's first independent deep space effort, the Giotto mission.

Despite the valuable knowledge gained from scientific endeavors, the Reagan administration seems to want a more tangible return from its space investment.

At this point, the shuttle is central to the entire U.S. space effort. It is needed to launch scientific experiments, commercial tests and, ultimately, to carry aloft the components of the manned station.

The shuttle has limitations. Its range is extremely limited. Due to its fuel capacity and other design factors, it cannot fly much higher than about 300 miles above a sphere 8,000 miles in diameter; if the Earth were a peach, the shuttle would barely be above the fuzz. But the real action in space, experts agree, will take place in geosynchronous orbit, 22,300 miles above the surface of the planet. The low shuttle orbits are worthless for communications satellites and present a variety of difficulties for industrial and scientific operations. (For example corrosion from oxygen atoms from the upper atmosphere.) While the shuttle is adequate for research and development, it cannot stay aloft long enough for full-scale production operations.

The administration's proposed answer to the latter problem is the space station. The station would be composed of four to six modules and would be home for six to eight astronauts, who would spend up to three months aboard before being rotated home. In an environment similar to Antarctic research stations or atomic submarines (think of "Run Silent, Run Deep," not "2001"), the astronauts would conduct experiments, carry out research programs and supervise the operation of commercial ventures.

Accordingly to Bruce Abell of the White House science office, "Almost anything you're talking about doing in space will require a space station. It's appropriate to view a space station as a kind of doorway."

However, some see it differently. "The contention that this is a way station to the planets is really bankrupt," argues Cornell University's Carl Sagan. The shuttle-imposed limitations of a low-orbit space station would make it a stepping stone to nowhere without the concurrent development of "space tugs" or second generation shuttles capable of reaching high orbit. "A case has not been made for a permanent human presence in low orbit with this technology," says Sagan flatly.

Critics contend that most of its proposed functions could be performed with equal efficiency and vastly greater economy by machines instead of people. Proponents of manned spaceflight argue that robots aren't smart or flexible enough to do everything that needs to be done in space; no machine can replace a good man (or woman) with a screwdriver. On a recent shuttle flight, an astronaut saved a photographic experiment by doing a delicate repair job on a jammed film drive. On the same flight, though, another astronaut ruined a crystal-growing experiment when he accidently kicked the "off" switch.

The cost of maintaining human expertise in space is enormous. It now costs about $1,000 a pound to deliver a shuttle payload to low orbit—a price that underwrites the expense of life support and redundant safety systems for the astronauts. It is as if the price of a washing machine including room and board for the Maytag repairman!

NASA and White House spokesmen steadfastly deny that the Reagan space station proposal is mainly a response to Soviet space activities. Still, the proposal came just a month after the release of a Congressional Office of Technology Assessment report which concluded that the Soviets, with their Salyut spacecraft, already have what amounts to an operational space station.

"The Soviet space program is really quite a ways behind what we're capable of doing today," says Bruce Abell. But the Soviets are developing their own reusable shuttle. They have far more experience than NASA in studying the long-term effects of weightlessness. And they are working on a new generation of heavy-lift expendable boosters and a heavy-lift shuttle that could have twice the payload capacity of the American shuttle.

"The Soviet space station program," according to the OTA report, "is the cornerstone of an official policy which looks not only toward a permanent Soviet human settlement of their people on the Moon and Mars. The Soviets take quite seriously the possibility that large numbers of their citizens will one day live in space." Many observers expect that the Russians will attempt a manned mission to Mars sometime in the 1990s.

The Soviet Union's space station seems to fit well into its long-term plans for space, while the U.S. station seems more in line with America's "space spectacular" philosophy. As indicated earlier, the low-orbit station the administration is planning simply does not make good sense, given the limits imposed by technology.

There is, however, one circumstance under which such a space station could be justified. That is a station built in cooperation with other spacefaring nations, including the Soviet Union, Japan and the countries of Western Europe. A multinational station would not eliminate the drawbacks inherent in any small, low-orbit facility. But it would be cheaper for the United States, thus saving funds for other ventures. It would avoid duplication—a problem that is going to become greater as more nations get into the space act. And it undoubtedly would produce side benefits that are difficult to forecast. By bringing together the world's best scientists and engineers, a multinational station would spin off new ideas and approaches to the challenge of space.

The administration seems receptive to internationalizing the station. NASA officials report that as much as one-fourth of the cost could be borne by Western Europe, Japan and Canada.

Space is no longer the exclusive playground of the superpowers. The European Space Agency is developing its own launch vehicle in the Ariane series, which is already competing with the shuttle for commercial payloads. An advanced, reusable version of the Ariane may be ready by the end of the decade.

European participation in the space station would prevent the Pentagon from hopping aboard later, after the bills have been paid, as it did in the shuttle program. ESA is a purely civilian program, and its members include neutral countries Ireland, Austria and Switzerland. ESA participation would, therefore, preclude a military role for the station.

Inviting the Soviet Union in would provide an extremely important symbolic role for a multinational "Earthport." It would symbolize a commitment to a peaceful use of space, would help to relax East-West tensions and would defuse some of the Soviet and American paranoia about a "star wars" mission for future space stations. That, in itself, might justify the price.

Sen. Spark Matsunaga (D-Hawaii) has introduced a resolution calling on the president to renew the Space Cooperation Agreement (which the administration allowed to lapse in May 1982 in retaliation for Soviet policies in Poland), and to explore new avenues of peaceful cooperation in space. So far, the resolution has attracted the endorsement of such luminaries as Carl Sagan, author James Michener, former NASA official Christopher Kraft and former astronaut Donald (Deke) Slayton, who commanded the joint U.S.-Soviet Apollo-Soyuz mission in 1975. Slayton suggests "coupling the United States' leadership in reusable, economical launch and reentry vehicles with the U.S.S.R.'s long-duration, large space station objectives."

"Our children and grandchildren would never forgive us for failing even to give it a decent chance," says Matsunaga.

Now, rather than later, is the time to think about the political, scientific and commercial opportunities that a constructive use of space offer. We need to do this thinking before we commit ourselves to another round of expensive, and increasingly dangerous space-racing. The decisions we make today will determine the human future in space, not just for the next decade, but for the next century and beyond. This may well be our last chance to give life and meaning to our own inspiring rhetoric: "We came in peace, for all mankind."

THE FORGOTTEN SUFFERING OF EAST TIMOR

Mr. PROXMIRE. Mr. President, I often worry about the ease with which the bustle of the Nation's Capitol can obscure the reality of suffering and persecution, especially in remote corners of the globe. Our mandate is, admittedly, to serve the citizens of this Nation, but in doing so, our influence extends globally, responding to the needs of free peoples everywhere. Therefore, we owe much to several dedicated Congressmen who have taken the time to focus our attention on the cruel slaughter of the peoples of East Timor at the hands of the Indonesian military.

Their crime? A simple desire for independence. Their punishment? Wholesale slaughter, the decimation of entire villages and the crowding of survivors into concentration camps. Since 1975, when the Government of Indonesia invaded East Timor using arms supplied by the United States, approximately one-quarter of the population of the country has been murdered. The Indonesian Armed Forces commander, Benny Murdani, has pledged to show "no mercy" in his cruel repression of the Timorese yearning for independence.

Last fall, Indonesian authorities tightened the restrictions on travel in the wartorn region, denying access even to the humanitarian efforts of the International Red Cross. At the same time, Amnesty International issued a report stating that the Indonesian military has "engaged systematically and persistently in practices of brutality." In December, a bipartisan group of 105 Members of the House of Representatives wrote to President Reagan expressing concern over reports of a new, large-scale Indonesian military offensive.

Mr. President, I think that we can feel proud of this show of concern; indeed, we can expect results, for our reputation as defender of human rights and our influence as a global power can actually serve to free a prisoner or save a life. It is a power that must be zealously fostered and preserved.

That is why we must not undermine our ability to save that one life or free that person falsely imprisoned. That is why I daily call for ratification of the Genocide Convention. Far more than anything, the Genocide Convention is a symbol of our commitment to international human rights, our opposition to events such as those occurring in East Timor. Any ambiguity in the message that we send the world can only lead to a waning of our influence as the defender of civil liberties for all humanity. In this light, the Genocide Convention becomes a practical necessity; our failure to ratify becomes an inhuman crime.

Mr. President, I urge my colleagues to join me in seeking Senate ratification of the Genocide Convention.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 1:30 p.m., with statements therein limited to 5 minutes each.

HONORING UNIVERSITY OF ILLINOIS BASKETBALL COACH LOU HENSON

Mr. DIXON. Mr. President, I would like to call the Senate's attention to an individual who, through his hard work and dedication, has given Illinoisans an exciting and exhilarating basketball season that has brought the State national recognition and has provided its people a deep sense of pride.

I refer, Mr. President, to Lou Henson, the head coach of the University of Illinois Fighting Illini basketball team, who this year guided his team to an outstanding 26 and 5 season that earned the team the cochampionship in the Big Ten Conference and a berth in the NCAA tournament.

Lou Henson took over the head coaching duties at the University of Illinois in the spring of 1975. Under Coach Henson's direction, the Fighting Illini have participated in postseason play for the past 5 years and this year's team clinched the Big Ten Conference championship for the first time in 21 years.

Lou Henson began his coaching career at the high school level in Las Cruces, N. Mex., in 1956 after completing his master's degree in education administration at New Mexico State University. In 1963 he moved to Hardin-Simmons University where in the 4 years he coached he compiled two 20-game winning seasons.

Coach Henson returned to his alma mater, New Mexico State, in 1967 where in 9 years as head coach his teams compiled a 173 and 71 won-loss record and qualified for the NCAA playoffs six times. In 1970, his team recorded a third-place finish in NCAA post-season play.

Now in this 9th year at the University of Illinois, Lou Henson has earned a national reputation for his tough defensive style of basketball. The acclaim is well warranted. He has molded strong defensive teams at the university and has seen two of his college pupils join the ranks of the National Basketball Association. Eddie Johnson and Derrick Harper now play for the Kansas City Kings and the Dallas Mavericks, respectively.

Mr. President, Illinoisans are rightfully proud of the work of Lou Henson and his Fighting Illini team. Coach Henson has returned the University of Illinois basketball program to national prominence and in so doing has earned the gratitude and admiration of all Illinoisans.

The skill, spirit, and sportsmanship exhibited by Lou Henson and the Fighting Illini have inspired and entertained the people of Illinois and the Nation throughout the past 9 years and their efforts are deserving of our reserved acclaim.

We are very grateful.

THE NFL–USFL RELATIONSHIP

Mr. HATCH. Mr. President, recently an article appeared in the Washington Post on the subject of the present competition between the National Football League and the U.S. Football League. The USFL, it seems, is beginning to capture the full attention of its older and better-seasoned counterpart. The new league is signing top prospects out of the colleges and staging some impressive promotional campaigns. Whatever one's view is of football in the springtime, the USFL must be given credit for its extensive efforts to date. Also, whatever one's view is of the desirability of having two major football leagues in this country, the current NFL–USFL relationship represents good, healthy competition. It should remain that way.

The Post article, however, suggests that the NFL, in gearing up to meet the competition of the new league, may apply pressure to the ABC television network which currently has a contract with the USFL to televise its football games. ABC also happens to carry the NFL's games. The suggestion is that the NFL may put pressure on ABC to refrain from continuing to provide such financially healthy television support for the USFL. Such a tactic, if employed, would, of course, not be healthy competition and I sincerely hope no such activity occurs.

Just as the commodity it promotes, professional football management is also in many respects a game. It, too, must be played by the rules.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1984]

NFL TEAMS PLAN 'RAID' ON USFL

(By Paul Attner)

Even before National Football League owners meet next week in Hawaii to discuss ways to counter the U.S. Football League, the NFL is preparing to battle the USFL on at least two fronts—with what is being called a "counter raid" on USFL players and with possible pressure on ABC, the network that owns the rights to USFL games.

The target of the "counter raid" that many NFL teams are set to conduct would be USFL players whose contracts expire in July. An NFL source said he presumes every team in his league has talked to USFL players or their agents about signing with the NFL this summer.

Although most of the players are not big-name athletes who have been signed to long-term contracts, USFL officials admit their league could be hurt if the NFL drains off enough second-level players.

In addition, sources believe the NFL has begun placing subtle, behind-the-scenes pressure on ABC, which will televise the next NFL Super Bowl and carries Monday night NFL games.

"Don't expect anyone to ever admit ABC is being pressured," said a television source. "There are all types of antitrust problems here. But there are ways to remind ABC that by keeping the USFL alive with future contracts, it's running up the price of future NFL contracts and may force the league to look even more to cable. You don't have to threaten to get your point across."

Art Modell, owner of the Cleveland Browns and chairman of the league's television committee, vigorously denied that the NFL has talked to ABC, or will do so.

"I can speak for the entire committee on that subject," Modell said. "The USFL is doing everything they can to set us up for an antitrust suit. We've already gotten correspondence from that league's lawyers saying they have been irreparably harmed by us. The last thing we need is another lawsuit."

ABC signed a two-year contract with the USFL before last season. The network also has options to renew the contract for 1985 and 1986, and the USFL would like to raise the rights fees for both years. Those fees now would be $14 and $18 million, respectively. USFL Commissioner Chet Simmons has said that his league needs a substantial increase in television revenue, especially in a new contract starting in 1987, to survive.

NFL owners are becoming increasingly upset with ABC and its president, Roone Arledge, for bankrolling the USFL. These owners had expected that their current $2 billion TV contract would give them a healthy profit until a break-even point in 1986, its final year. But with rapidly escalating salaries due to USFL competition, teams now fear they will reach that break-even point at least a year earlier.

Regarding the player raids, it is apparent some NFL teams already have signed USFL players to unannounced future contracts. How aggressive the NFL becomes regarding future contracts will depend on action at the league meetings in Hawaii.

NFL Commissioner Pete Rozelle, who opposes an all-out war with the USFL, has said that the league may consider creating a supplemental draft of players who signed with the USFL before the NFL's regular, later draft. Tex Schramm, Dallas Cowboys president and chairman of the NFL's powerful competition committee, says there will not be any changes in the draft, although the owners could decide differently.

The USFL already is scrambling to re-sign its stars. One obvious case: the Generals' extension of Herschel Walker's contract, a move that thwarted a plan within the NFL to have Walker drafted this year by the Jets, Giants or Dallas and then signed to a future NFL contract.

"We are aware that the NFL will come after our players," said Carl Peterson, president of the Philadelphia Stars. "In some ways, I find it ironic, because that means they admit our players are better than they have been saying. But it also means we need to sign our players to longer contracts to protect ourselves."

Unlike most NFL low-key gatherings, these meetings are considered highly important to the league's future, especially considering the threat of the USFL. The competition committee, which normally concentrates on rules changes, already is trying to deal with the rival league.

It is expected to be an emotional week highlighted by sharply divided views on how to cope with the USFL. This is especially apparent concerning an attempt to move the draft from late April or early May to Feb. 1.

Although an increasing number of NFL teams support the change, it appears too few want it to make the switch now. But the matter could be taken up again during the fall meetings. The USFL, which drafts in January, has signed at least 12 potential NFL first-round choices the last two years.

Some owners believe they can put the USFL out of business by drafting earlier and then engaging in a salary war; others, backed by Rozelle, want a more subtle approach because they feel the USFL eventually will die due to spending excesses and problems caused by playing in the spring.

At the meetings, the owners also will hear a report from Rozelle regarding San Francisco 49ers owner Eddie DeBartolo, whose father owns the USFL Pittsburgh franchise. It is expected the owners will decide to exclude the younger DeBartolo from future league discussions regarding the USFL.

Modell said he expects the television committee, in an effort to help sagging ratings, will ask for more flexibility in scheduling, such as the freedom to move a game between two contending teams from 1 p.m. to 4 p.m.

The owners also will discuss the league eligibility rule and could set up an NAB-type system to allow college undergraduates to apply for hardship status. The eligibility review comes after a federal court ruling in the Bob Boris case found the USFL eligibility rule to be in violation of antitrust laws.

Coincidentally, the NFL has decided to grant Boris a special exemption and place his name in the upcoming draft pool. Boris, a former punter at Arizona, has two years of college eligibility remaining. He already has been cut by two USFL teams.

DEATH OF CLARENCE M. MITCHELL, JR.

Mr. BIDEN. Mr. President, in tribute to a great and good public man, William Shakespeare wrote:

His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This was a man!"

Those words spring to mind today, as I consider the long, distinguished life and recent death of Clarence M. Mitchell, Jr. For more than three decades the chief Washington representative of the NAACP, he was a principal architect of the landmark civil-rights measures enacted into law during that time.

Clarence Mitchell was long regarded as the "101st Senator," and we mourn him in this body as we would mourn for a colleague—not because we all agreed with him on every occasion, but because we knew him as a man of integrity who never compromised a moral principle and as a man of moderation who never abandoned his democratic beliefs to gain even the most desirable ends.

An optimist both by temperament and by policy, he placed his faith in the persuasive power of the truth—and in what he believed to be a basic human capacity to hear the truth, rightly stated, and respond to it. He enhanced the dignity of every civil-rights debate by respecting the views of others as firmly as he adhered to his own. He was a generous and humane man who never attempted to refute an opponent's argument by impugning his motives or his character.

Hubert Humphrey, who knew Clarence Mitchell perhaps better than any of us, characterized him in 1976 as I believe we all would remember him today:

. . . a man of integrity, honor and compassion—a cherished friend and a trusted comrade in battle. What more can be said of a man than that he has gained the respect of his opponents and the admiration and loyal friendship of his colleagues?

The product of that respect and admiration was a long and unparalleled record of civil-rights gains that clearly bore the stamp of Clarence Mitchell.

In the 1940's, before the time was ripe for civil-rights legislation, he inspired Executive orders like the one by which President Truman desegregated the Armed Forces, and he was the vital link through which organized labor was recruited to the cause of civil rights.

Then over the next two decades, he was directly and significantly involved in the passage of the 1957 Civil Rights Act, the 1961 law establishing the Civil Rights Commission, the Civil Rights Act of 1964, the Voting Rights Act of 1966 and the Fair Housing Act of 1968.

These historic legislative achievements went far toward redeeming the conscience of America and broadening the scope of social and economic justice to encompass the needs and aspirations of blacks and other minorities. But Clarence Mitchell's intention was always to unify and never to divide.

He said he did not believe in thinking white or thinking black but only in thinking fairly, and he addressed his appeal consciously, consistently, and successfully to what he was convinced was a fair-minded majority of Americans.

He said that what was important was "building a democracy that is a shield for the humble and the weak as well as a sword for the strong and the just."

And he warned us that we must "repudiate those forces that would destroy us and our country by causing us to lose faith in the power of just law." He was profoundly and authentically American, and he never lost faith in this country's will and capacity to be just in dealing with all of its people.

There are few men, Mr. President, whom we could correctly call irreplaceable, but Clarence Mitchell was clearly one of that rare breed. We will miss him as a friend and colleague. But if any man ever did, he built his own monument in the living law of this great Nation. He will not be forgotten, and his works will remain a part of the Nation's permanent legacy.

But though we remember him, we cannot and we would not replace Clarence Mitchell in our hearts. Again in the words of Shakespeare:

He was a man, take him for all in all; I shall not look upon his like again.

JOHN CHUCHOLA

Mr. BIDEN. Mr. President, in reading a recent issue of Stars and Stripes, I came across an article about the veteran featured on the Veterans' Administration poster commemorating the February 14 "National Salute to Hospitalized Veterans." I was proud to see that the veteran pictured is John Chuchola, who now lives in the Wilmington VA Medical Center.

All veterans have contributed something to the preservation of the freedom we enjoy, but John has given more than most. John has spent all of his most productive years at sea, doing the dangerous job of underwater demolition.

The extent to which the demanding work John did for his country contributed to the loss of his leg is not made clear by the article. But two things are clear: The first is that, the Veterans' Administration must have sufficient funding to help veterans like John adjust to their disabilities. The second is that, regardless of whether or not his disability had any connection to his service, John would do it all over again.

Mr. President, a bumper sticker I see on cars an awful lot these days states that "America is No. 1 Because of its Veterans." People like John Chuchola are what makes that statement true.

Mr. President, I ask unanimous consent that the article from the February 2 edition of Stars and Stripes be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

WHO IS JOHN CHUCHOLA?

(By Dan McCurry)

John Chuchola lives in Room W-6 at the Wilmington, Delaware VA Medical Center. Because his right leg is gone, this former Navy demolitions expert doesn't get around as much as he used to.

This year, however, John's face is a familiar sight in thousands of VA hospitals, veteran organizations, high schools, police and fire departments and city halls, around the country.

John is the veteran whose face looks back inspiringly from this year's VA poster for the February 14, National Salute to Hospitalized Veterans.

His likeness will appear on magazine and newspaper ads, billboards, and transit cards urging citizens to visit a VA hospital on Valentines Day.

A member of VFW Post 2863 in Wilmington, Chuchola served in the Navy from 1940 until 1963. Soon after enlistment, he reported to Norfolk, VA before a Naval Base even existed there. Then the government paid recruits to live in town.

With the coming of war, John participated in the invasion of North Africa, the North Sea and North Atlantic campaigns, and at Guadalcanal and the other island invasions in the South Pacific.

While hostilities ended for most military personnel with the signing of the Armistice, John's duty soon found him back in the thick of fighting as he helped move civilians from China who had been displaced by the civil war there.

In 1949, Chuchola volunteered for underwater demolition work where he cleared mines at Inchon, Korea prior to the U.S. landings there in the Korean War. For their work, his team received a Presidential Citation.

John lived at sea. He loved duty on the water but Naval prohibitions against excessive sea time soon drew him extended shore assignments.

Soon after retiring, John was admitted to the Wilmington VAMC with leg pains. When bypass surgery was unsuccessful, his right leg was amputated.

For a veteran whose limbs end at the elbow or knee cap, the memory of the cause of those injuries will never end. The legs of John Chuchola powered him through the water in the most dangerous of demolition work. Now he straps on an artificial limb each morning for hours of rigorous rehabilitation exercise.

John is one of the 45,000 amputees for whom the VA provided therapy last year. However learning to control his new leg is a bit more difficult than disarming the mines on the Inchon beach.

But John persevers. He isn't a quiter or one who will sit still for long. Since he never married—except to the sea—his only regular visitor is a sister.

On February 14 a visit to the Wilmington VAMC will find John wheeling down the hall to greet visitors. Now he is something of a celebrity. The National Salute to Veterans is designed to make the thousands of other Johns and Jills who are patients in VA hospitals also feel like celebrities for the day. They deserve it.

SCHOOL PRAYER

Mr. BIDEN. Mr. President, I have spent 6 weeks engaged in negotiations with the majority leader directed toward crafting a spoken school prayer amendment that the leader and I could both accept and that two-thirds of the Senate would vote for. I entered those negotiations with an open mind. My purpose was to come up with a mechanism for protecting the rights of students who want to pray with the same vigor that we protect the rights of students who do not choose to pray.

Those negotiations began with the leader's preference of the amendment which was introduced a number of years ago by Senator Dirksen. I informed the leader that I preferred a silent prayer amendment, but that I would work with him to try to devise a spoken prayer amendment which I could sign onto and which would be acceptable to two-thirds of the Senate.

The majority leader and I agreed on a number of things from the start. First, we agreed that the right should be vested in the student. Second, we agreed that the Supreme Court and the lower courts that have followed the Supreme Court's decisions have gone too far in prohibiting any religious activity in the public schools.

And third, we agreed that the courts are wrong in their prohibition of any mention whatsoever of the Deity in the public schools.

From this starting point, we negotiated for weeks, sending drafts back and forth. The most recent exchange of drafts would have provided for separate facilities for the various religions and denominations, and for those who choose not to pray.

Short of agreement in this body on the type of spoken prayer amendment the majority leader and I were working on, I felt compelled to vote against the President's spoken prayer amendment. That amendment, Senate Joint Resolution 73, would allow a public schoolteacher to pick up the Koran, the Bible, or any other religious writing, and ask every student either to leave the room or to recite from that religious writing. The teacher could pick up any prayer, so long as it is not composed by a State authority, and could even pick up a prayer from the most extreme religious organizations.

This would create a situation where many schoolchildren would be confronted every day with religious teaching or religious activity that is contrary to the religious beliefs they are taught at home.

Mr. President, I believe that the Constitution does not prohibit recognition of the Deity in public school. I also believe that the Constitution does not prohibit beginning the schoolday with a moment of silence for prayer. Unfortunately, all across the Nation,

school boards have been led to believe that these religious activities violate the establishment clause of the Constitution, even though, in my opinion, silent prayer and recognition of the Deity do not infringe upon the rights of religious minorities, nor do they exert a coercive influence on students.

I do not think silent prayer is a second-rate alternative to spoken school prayer. Indeed, I believe that silent prayer is at least as likely as spoken prayer to lead to a religiously meaningful moment during the schoolday. Instead of simply reciting the same prayer that everyone else is saying, silent prayer allows each student a private moment to pray in the way that is most consistent with his or her own religious beliefs, and is therefore most personally meaningful.

In addition, silent prayer will not make students feels coerced, embarrassed, or left out, even if their beliefs are different from those of their classmates.

Mr. President, there is no better way to express the special value of silent prayer than the words of Jesus at Matthew 6, verses 6-8:

When thou prayest, thou shalt not be as the hypocrites are. For they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily, I say unto you, they have their reward. But thou, when thou prayest, enter into thy closet, and when thou hast shut the door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.

In the past 2 years, we have seen the development of a special urgency for a silent prayer constitutional amendment. Five Federal district courts have ruled on the constitutionality of silent prayer in the public schools, resulting in the striking down of silent prayer statutes in Alabama, New Jersey, Tennessee, and New Mexico. Each of those four statutes was found to constitute a violation of the establishment clause of the first amendment. Only in Massachusetts was a silent prayer statute upheld by a Federal court.

I believe that we need to pass a constitutional amendment to overrule those four Federal courts that have found silent prayer unconstitutional, and to stop this accelerating trend of the Federal courts toward a total exclusion of all religious activities from the public schools.

Some claim that since the Supreme Court has not ruled on silent prayer, we should not pass a constitutional amendment. But there is no way of knowing if the Supreme Court will ever rule on silent prayer. We should also recall that the Supreme Court had not ruled on the subject matter addressed by the Bill of Righ*s when those amendments were added to the Constitution.

Mr. President, I also strongly support the concept of "equal access" set forth in section two of the silent prayer amendment. That section would allow equal access to public school facilities for religious groups on the same basis as those facilities are made available for non-religious activities.

In 1981, the Supreme Court held, in Widmar against Vincent, that student groups at a State university are constitutionally entitled under the free speech clause of the first amendment to use university facilities for religious worship and discussion to the same extent as other groups are permitted to use those facilities. The Court found that the university's policy of prohibiting use of facilities for religious purposes constituted a content-based exclusion of religious speech, violating the "fundamental principle" that State regulation of speech should be "content-neutral."

The Court's decision, however, did not resolve whether students below the university level have a constitutional right to use public school facilities for religious purposes.

As in the case of silent prayer, in the past few years, the lower Federal courts have launched an assault on the right of students to meet on school property for religious meetings, with courts in Texas, New Jersey, and Oklahoma finding such meetings unconstitutional.

As those courts have interpreted the Constitution, groups of public school students are allowed to meet before or after school, on school property, for any purpose but a religious one. Students are not constitutionally prohibited from meeting to discuss business, politics, sex, moral or social philosophy, Freud, Marx, or Darwin. But if a group of high school students wants to meet to read and discuss the Bible, or the Koran, or to pray together, the courts have said that this is prohibited by the establishment clause of the Constitution.

In conclusion, Mr. President, students are being denied what I think should be their right to both silent prayer and access to school facilities for religious purposes. Since we cannot count on the Supreme Court to remedy the situation, it is our responsibility to do so.

NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. GRASSLEY. Mr. President, the month of April, designated as "National Child Abuse Prevention Month" has been set aside to focus national attention on the plight our children face in this era of rampant child maltreatment. According to the American Humane Association, reported cases of child abuse and neglect increased more than 120 percent nationwide between 1976-82.

Mr. President, I am heartened by this Chamber's growing awareness of the need to take positive steps to insure that our children are as safe as possible.

This is evident not only in our recognition that child abuse is a national tragedy but also in our willingness to confront other issues of importance to our children such as child pornography, child molestation, and missing children.

Last Friday, the Senate passed an amendment in the form of a substitute to H.R. 3635, a bill to amend Federal laws prohibiting the production or distribution of child pornography. Senator SPECTER and I for the Senate and Congressmen HUGHES and SAWYER for the House negotiated a substitute which retains those provisions of both bills providing for the toughest laws to stop the sexual exploitation and abuse of children.

In addition, on April 11, the Senate, through Senator SPECTER's Judiciary Subcommittee on Juvenile Justice, will examine bills that he and I introduced making available to child detention centers and child-oriented businesses the sexual assault, child molestation, and pornography arrest records of prospective and present employees whose work would bring them in regular contact with children.

We must not forget the Missing Children Assistance Act of 1983. This act would establish and maintain a national toll-free telephone line where individuals could report information regarding the location of missing children. My understanding is that this bill, which also reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974, has 55 cosponsors.

Lastly, as cosponsor of S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983, I urge the support of every Member in this body to assist in the passage of this important legislation. It is necessary to continue to fund and support programs assisting the States in combating child abuse in addition to the development of various programs facilitating the adoption of hard-to-place children in loving homes. Additionally, the inclusion of language to make the withholding of medical care an action of child abuse is significant in such cases brought to our attention as Baby Doe in Bloomington, Ind., and Baby Jane Doe in Stoneybrook, N.Y. Such incidents seem incompatible with a society which cherishes the sanctity of human life and the intrinsic worth of each individual. Our Nation's commitment to equal protection under the law will have little meaning if we deny such protection to those who have not been blessed with the same physical or mental gifts that we too often take for granted.

I believe that all of these measures represent important steps forward in

safeguarding our Nation's children. They lend substance to our recognition that we must curb child abuse in America.

"A GIFT FROM MAINE"

Mr. COHEN. Mr. President, a sixth-grade class in New Gloucester, Maine, and the Maine creative community recently collaborated on a noteworthy literary endeavor. The product of that collaboration, a book entitled "A Gift From Maine," contains original works by Maine artists and writers along with their thoughts on the creative process. The sixth-grade editors undertook the project of putting the book together under the guidance of Mr. James Plummer, a teacher at New Gloucester Memorial School.

Contributors to "A Gift From Maine" include E. B. White, Jamie Wyeth, Stephen King, Alan Magee, and other famous authors and artists. Mr. White, the author and former New Yorker editor, contributed an essay entitled "An Imaginary Maine Animal Story." Mr. Wyeth, son of the artist Andrew Wyeth, added to the book an original drawing of a "happy, laughing pig," as well as suggestions on how children could draw their favorite animals. Mr. King, a best-selling author of horror stories, wrote a piece for the book about growing up in Maine. Mr. Magee, well-known for his cartoons, drawings, and paintings, submitted a drawing of "Beach Stones."

The promotion of excellence is in large part accomplished through the praise of that which is worthy of emulation. I feel that the inspired methods of Mr. James Plummer and his efforts to motivate and stimulate creativity among his students are indeed worthy of praise and emulation. His dedication and success show that excellence in education is flourishing in Maine.

I ask unanimous consent that an article regarding the creation of this book, which appeared in the New York Times on February 9, 1984, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 19, 1984]

MAINE SIXTH GRADERS PUBLISH ORIGINAL WORK BY THE FAMOUS

AUGUSTA, MAINE, February 18.—A sixth-grade English class project has become a book containing original work by E. B. White, Stephen King, Jamie Wyeth, Alan Magee and other famous authors and artists.

The children obtained the original works, with rights and royalties signed over to them for publication, by simply writing to the writers and artists to ask them to share their observations on the creative process.

"I wanted to develop something to spark creativity, show kids how to do something," said their teacher, James Plummer. "So we decided to write to the creative community in Maine. We figured they'd have good ideas."

"I was very impressed by the response of all those people," he said.

"A GIFT FROM MAINE"

Mr. Plummer had planned a mimeographed book, not the high-quality paperback Gannett Books of Portland decided to print. Called "A Gift From Maine," the 160-page book has a glossy color cover that displays a red-ribbon wrapped around a large white box covered with the autographs of the contributors.

"At the beginning, I didn't think it was so hot," admitted Leah Levasseur, 12 years old. "First we wrote letters to businesses—that was boring. Then we started writing to artists—that was fun."

When the creative urge hit, the children worked on the project outside the English class during recess and after school.

Receiving responses from the artists was everybody's favorite part of the project. Mr. Plummer said it was "like Christmas—every letter and package contained a gift," hence the book's title.

"It was fun to find out people would answer the letters you sent them," said Cheryl Slocum, 12. In their letters, students requested an "activity" from the writers and painters.

Mr. White, 84, the author, essayist and former New Yorker editor who lives in, Brooklin, Me., sent an essay.

"First he called," Mr. Plummer said. "He said he didn't know what an 'activity' was. I told him that was teacher-talk for something you could do with kids."

Mr. White's essay, called "An Imaginary Maine Animal Story," compares the creative process to a mosquito bite.

"When a mosquito bites me—I scratch," Mr. White wrote. "When I write something, I guess I'm trying to get rid of the itchiness inside me."

Mr. White went on to suggest what children could do if they wanted to nurture the writing instinct. He advised keeping a diary, and he told them he had a journal he had been keeping since boyhood that contained "millions of words."

FROM WYETH, A HAPPY PIG

Mr. Wyeth, a longtime Maine summer resident who is the son of the artist Andrew Wyeth, enclosed an original drawing of a "happy, laughing pig" and suggestions on how children could draw their favorite animals "with expression."

"We think it's his childhood pet pig, Den-Den," Mr. Plummer said.

Mr. King, the best-selling author, who lives in Bangor, did not send along a horror tale such as his well-known works "Dead Zone" or "The Shining." Instead he told about growing up in Maine.

Mr. Magee, whose cartoons and drawings have appeared in many national magazines and whose paintings have received national acclaim, enclosed a drawing of "Beach Stones."

The book, to be distributed this month in New England and later nationally, is priced at $12.95. Royalties will be held in trust for future projects by New Gloucester Memorial School students.

ARCHBISHOP IAKOVOS: CLERICAL STATESMAN

Mr. PELL. Mr. President, I am pleased to call the Senate's attention that Sunday marked a remarkable anniversary for a remarkable man: the gentle but commanding Archbishop Iakovos, who has now headed the Greek Orthodox Church in North and South America for a full quarter century. In ceremonies yesterday in the Cathedral of the Holy Trinity in New York, Archbishop Iakovos was duly honored for his far-reaching humanitarian and religious contribution. As the spiritual leader of some 2 million Greek Orthodox followers in this hemisphere for 25 years, the archbishop was awarded the "Grand Cross of Honor" by Greece's Ambassador to the United States on behalf of Greek President Karamanlis. But the presence at that ceremony of clergymen from the Catholic and Protestant churches, and from various churches of the Eastern Rite, attested to the 74-year-old archbishop's broader leadership role.

An elder statesman among clergymen from many faiths, Archbishop Iakovos has been a champion of ecumenism, working tirelessly to heal rifts among the churches of the Eastern Rite and to promote interfaith cooperation in the National and World Councils of Churches. His forceful and continuing advocacy of human rights around the world was underscored by the presence at yesterday's proceedings of former President Carter, whose own human rights policies had joined him with the archbishop in common purpose. Finally, one must also note that Archbishop Iakovos has been particularly sensitive and effective in promoting closer relations between the United States and the people of Greece and Cyprus, with whom we share fundamental values and interests in the international community.

Mr. President, such men as Archbishop Iakovos transcend the world of politics but, in so doing, they give those of us who struggle in that world both inspiration and greater hope as we continue in the search for peace.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. GRASSLEY assumed the chair.)

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has now concluded.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate the pending business.

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, H.J. Res. 492, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order, the pending question is the amendment of the Senator from Montana (Mr. MELCHER), relating to levels of funds for El Salvador, in which there shall be a 2-hour debate.

AMENDMENT NO. 2876

(Purpose: To cap at 3 percent increased emergency aid to El Salvador exempting medical aid ($13.5 million) and food aid (14 million) for a total of $35.4 million in emergency aid)

Mr. MELCHER. Mr. President, I ask for immediate consideration of amendment No. 2876.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2876.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike everything from the beginning of line 4 through "$61,750,000", and insert in lieu thereof the following:

"The additional amounts of $13,500,000 for medical aid, and $14,000,000 for food aid shall be appropriated for El Salvador, as well as an additional amount of $7,900,000 (3 percent of the regular fiscal year 1984 appropriation for El Salvador) to carry out the provisions of Section 503 of the Foreign Assistance Act of 1961".

Mr. KASTEN. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MELCHER. Yes; I am delighted to yield.

Mr. KASTEN. Mr. President, it is my understanding there is a 2-hour time limit with the time to be equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KASTEN. And the Senator from Montana will be in charge of the time on his side and I will be in charge of the time on our side; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KASTEN. I thank the Chair and I thank the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, "El Salvador?" People ask, "What are we doing there?"

When they hear about it, people wonder if El Salvador is important to understand, wondering if it is something like Vietnam. People also question why the U.S. Government does not focus more attention on problems at home, and then people quickly shift their focus to problems of their own.

Today, the last day before primary elections in New York and Wisconsin, the Democratic candidates will be making their statements on El Salvador before tomorrow's elections. Senator HART says, "No" to military expenditures there, former Vice President Mondale says that is "naive," and Reverend Jackson describes the pain of the Salvadoran people. Senator HART, who could probably campaign best on El Salvador by voting on these amendments, so far has not made clear how his views on El Salvador fit in with U.S. Central American policy. Fritz Mondale so far has not made clear on how much military aid he believes is necessary for El Salvador and where the solution lies. President Reagan, after Lebanon, is emphasizing that more money for El Salvador will get us closer to his goal for a heavy American militarized El Salvadoran army and a cooperative U.S. Honduran military force in Honduras.

Somehow the Democratic Presidential candidates have not fully described the fact that the only goal in sight for the Reagan Central American policy is spending huge amounts of money in Central America pinpointing the tiny country of El Salvador. It is big money—over $1 billion so far with another $1 billion asked for—for snuffing out 10,000 insurgents in El Salvador. That is the centerpiece of President Reagan's Central American policy. It centers on 3½ years of vivid statements about the overwhelming threat that these few insurgents in their hit or miss guerrilla skirmishes will result in overthrowing their government which, by domino effect, will lead to overthrowing Guatemala, Honduras, Mexico, Texas, and the United States. Always mentioning how far it is between Laredo and New York City.

That is a policy that goes against the course of history because history will record the continued course of the people in Central America finding the way in each of their countries to share in the control and ownership of the land, business, and a piece of opportunity in order to live, to prosper, and to advance.

Who says so? First of all most Americans who have been there. Or in Guatemala. And most Americans who have never been there when they focus on Central America believe it makes sense to describe as I have that course of history where the people of those tiny countries will have their chance. It is only here in Washington, D.C., where there is a strong vocal constituency for the Reagan Central America policy. You will not find it in our homes throughout the country, nor in our schools, nor among our youth, nor in our churches, nor in the daily conversations in America's daily gathering points.

Our Latin American neighbors, particularly Mexico, Colombia, Panama, and Venezuela, say we err in promoting the continuing military buildup in El Salvador. The people in Guatemala who are exposed to similar problems of constant Army-insurgent armed skirmishes suffer as do their southern neighbors; 100,000 Guatemalans have fled northward into crowded refugee camps which are havens of safety in Mexico. History tells us the poor from small Central American countries will advance, and get their chance, but meanwhile, they and their families must survive.

So, returning to El Salvador who are we to believe? Are we to believe that either D'Aubuisson or Duarte as President will bring El Salvador forward into peace and justice? We can fully comprehend that either as President will want all the money—this and all of the $700 million more that President Reagan wants to send them over the next 1½ years. Are we to believe the church people who have been there or who are still there when they tell us that our arms movements will not solve but only prolong the problems of El Salvador? Should we believe our colleagues just returned from there who say that they saw on the faces and heard from the lips of the El Salvadoran people their desire for democracy and freedom of conflict? Are we to find favor with Senator INOUYE amendment, an amendment that was first proposed for $49 million and then compromised to $62 million? In making our judgment, we can believe some or all of the statements made in sincerity yet still recognize that our collective judgment should reflect a sound centerpiece for U.S. Central American policy.

I would like to return to the question of the church and their consensus recommendation. The American church people who visited El Salvador are appalled at the hopeless anxiety that continued armed conflict means for the poor. Their testament, that is people of the church, and particularly those of the Roman Catholic Church, make corrections for past silence on the injustice of the wealthy and military oppression of the poor. In the 1500's Roman Catholic priests accompanied Spanish conquistadors as they conquered and dominated the Mayans, the Aztecs, and other indigenous natives. Throughout the intervening cen-

turies, it is only recently that the church has focused on the problems of majority of the people, that is the problems of the poor, and spoken out on behalf of the poor, for land reform, equity, education, and opportunity in government and business and the rights of all of the people of Central America.

So it is up to us to show in this particular amendment that we understand those rights and that money appropriated on behalf of U.S. taxpayers is for a solid progressive El Salvadoran policy and is part of a Central American policy for justice.

Ordinarily, with the $200 billion deficit, words of restraint on spending would come from Reagan's administration. In this instance, that is not the case. President Reagan is the chief architect and the loudest, most blatant, vocal advocate of all. And plunging forward with huge spending in this area. Where are the citizen taxpayers when we need them?

They say we are squandering too much money abroad and not paying attention to our problems here at home. Now is the time for those who assert that Congress appropriates too much money that is wasted in foreign aid, who assert it adds to the outrageous Federal deficits and positions both Congress and the country as being unduly concerned with events abroad while not giving Americans an even break on urgent problems here at home—now is the time for all of them to stand up and be counted.

They forcefully say that they would like a fair break for once on taxes, or hospital costs and medical charges for doctor's bills, getting a job or getting their job back, on education or job training, on veteran's matters and senior citizen problems—all of these problems here at home. They say they would like a fair break for once on trade. They say they want an even break on agriculture prices.

They say they are going broke and Washington doesn't seem to know or to care. The steelworkers, nonferrous metalworkers, the miners, and the millworkers ask us why it is easier to send money abroad than to face urgent problems unsolved in the United States and they add the country is in a hell of a mess. They ask why don't we act like Americans and fight here in Congress to let our own people have a chance.

There is a fellow who spoke out in the stockman's bar in Montana—never mind which town, there is a stockman's bar in Missoula and 22 other towns in Montana. This guy in the stockman's bar said "it is all those liberals in Congress who waste all their time and the country's money sending it to foreign countries you hardly ever heard of." While that fellow may label President Reagan, Defense Czar Cap Weinberger, Secretary of State Charles Schultz as liberals, he should know that I am not one of them and political labels do not necessarily fit.

Jesse Jackson is out campaigning to find what he calls his rainbow coalition; namely, a constituency ranging across all colors of skin. What I am looking for is a coalition of Americans whose color of only their necks can be figuratively described as ranging from red through all shades to the quiet gray that can be found in the quiet constraints of Vietnam veterans or those motivated by church or charity who believe we have a poor policy in El Salvador in relation to the goals and aspirations of the poor and quiet majority of Salvadorans.

How do American taxpayers believe we get to a $200 billion deficit? They should know that much of that deficit has been by items that are misspent and cost chunks of $40 or $62 million appropriations, like these incremental appropriations for El Salvador. President Reagan believes that a $62 million appropriation this week plus another $263 million during the year is vital for El Salvador this year. He gets chunks once, twice, or thrice a year always because it is an emergency of vital importance to the United States.

This despite words of caution expressed by Central American countries much closer to El Salvador than we are. The Contadora group of Mexico, Panama, Venezuela, and Colombia warn us that our intervention in the military internal warfare of this tiny country will likely fail and hinder or stalemate the progress of El Salvadoran people toward a stable reliable government.

They do not base their premise on denying food and medical aid, nor do I object to that type of aid for the El Salvadoran Government and its people.

They do not base their recommendations on violations of the Rio Treaty, nor do I. And finally I do not base my objections to this appropriation by ignoring the Monroe Doctrine.

Rather, I adhere to both the Monroe Doctrine and the Rio Treaty. We can and should deal directly with Cuba on peace in the Americas. But the United States should state unequivocally by diplomatic warnings to Cuba and Russia or others that through surveillance at the shores and in the air and on the seas, we shall attempt with vigor to identify, intercept, dissuade and prevent any arms shipments into Central America, including El Salvador. Preventing intervention of arms shipments into El Salvador is our business, it is consistent with Latin American treaties and is alined with the Contadora declaration and the Organization of American States.

Individual Americans immersed in their own problems tend to focus their attention on foreign involvements only long enough to forcefully protest and then leave it to others, principally Congress, to register those protests while they themselves lapse back into their own problems at home and let slide the opportunity to change the policies of our country's foreign affairs and suffer along with the urgent problems they face at home. But let us focus for a few moments on what our policies are in El Salvador.

What, when, and where are the three points in a news story to get in the lead sentence. The story of this deal is that the what—$93 million is cut to $62 million—that is the what—when is now and the where is El Salvador.

That story will not dominate many coffeebreaks or be the No. 1 topic at the country's dinner tables or neighborhood bars today throughout America.

But it ought to be.

It ought to be the No. 1 topic for American citizens who finally figure out they are being had. Maybe $62 million is too small an amount to register compared to the Nation's massive $200 billion deficits.

Well, many Americans are wondering why we send more money.

In 1979 $10 million was appropriated, $73.3 million in 1980, $141.1 million in 1981, $274 million in 1982, $326.8 million in 1983, $576.1 million requested for 1984. That is a total of $1.4 billion and will increase to $2 billion if all of President Reagan's El Salvador funds are approved in the next 6 months.

As of right now, $160 million already appropriated for 1984 for El Salvador has not been spent. In military aid $19 million cannot be spent until there is a verdict in the trial of the individuals charged with killing the American nuns.

Ninety-five million dollars in money for roads, airstrips, barracks, et cetera, or buying weapons has not been spent. Five million dollars for food is still unspent, and $40 million for development is still waiting to be spent by El Salvador. They will have a hard time using all of that before October 1.

Maybe the remote location of tiny El Salvador with only 4 million people causes people to sign off by saying "what's going on there? Where did you say it was?"

El Salvador is south—south of our South—the Carolinas, Alabama, Georgia, Arkansas, Mississippi, and Louisiana with their agriculture producers scrambling to survive and their industrial plants struggling for recovery. It is south of Texas with its drought areas and frost-blighted areas and unemployed workers.

El Salvador is south of our neighbor, Mexico, with its economy under severe stress but providing food, shelter, and medicine in camps in their border state of Chiapas for 100,000 refugees

who have in fear fled Guatemala. El Salvador is south of Guatemala, another country that has its army fighting rebels in guerrilla warfare for a generation as the poor struggle for food and economic survival.

Guatemala's class struggle is similar to El Salvador. The wealthy and military have for generations dominated the country and the poor. In both of these countries the overwhelming majority of people are the poor. In both of these countries the overwhelming majority of people are the poor with incomes of little more than $200 per year.

Yes, El Salvador is south of all this and like Guatemala, like Nicaragua, is a country with its countryside afflicted with scattered guerrilla fighting of the dissatisfied attempting to better the lot of the poorer disadvantaged people. Some define the dissatisfaction in Guatemala or El Salvador as Communist insurgents and some describe the dissatisfied in Nicaragua as anti-Communist insurgents.

What does another $62 million for El Salvador mean to us?

Listen to the reasoning for the massive 4-year buildup of foreign aid to El Salvador.

Secretary of State Alexander Haig said in 1981 that additional funds, above what had been requested in the budget, were needed because:

> A white paper issued by the State Department documented that the Communist insurgents have been organized by Cuba and supplied with arms by it and other Soviet-bloc nations.

In 1982, Assistant Secretary of State Enders argued that Congress must provide additional funds to El Salvador, again over what was approved in the budget saying:

> Without the assistance we have requested, continuing progress (in El Salvador) * * * will be difficult if not impossible * * * and we cannot expect the killing to end * * *.

In the same year yet another supplemental was requested for El Salvador by the Secretary of State, who assured Congress that "delay until 1983 would give the insurgents more opportunity to undermine the progress represented by the 1982 elections."

President Reagan pressured Congress to provide these supplemental funds saying that El Salvador's economy was in desperate straits. No wonder. They are always fighting.

Even though economic and military aid to El Salvador continued to increase through the regular budget process in 1983, supplemental military assistance was again provided when President Reagan declared an unforeseen emergency and sent military supplies from his defense drawdown stockpile of military assistance. In taking this action, he said that failure to provide additional military support "at this point would, in our judgment, be to abandon El Salvador."

Four months later the administration requested further emergency military aid for El Salvador. President Reagan, in his April 27, 1983, speech to a joint session of Congress explained that the aid responded to Communist aggression in the Western Hemisphere:

> Cuba is host to a Soviet combat brigade, a submarine base capable of servicing Soviet submarines, and military air bases visited regularly by Soviet military aircraft * * * Must we just accept the destabilization of an entire region from the Panama Canal to Mexico on our southern border?

He concluded saying that "the national security of all the Americas is at stake in Central America."

Secretary of State Shultz, in further support of additional aid for 1984, said that with the activity of the guerrillas increasing and the level of their outside support also increasing, there was a "sense of stagnation in the military situation in particular" that justified additional military aid.

The requests for increased military and economic aid for El Salvador for 1985 were part of the proposal of $8.5 billion for Central America to carry out the Kissinger Commission's report. President Reagan has called the Kissinger report "magnificent," "we are really behind it," and that:

> You can't have social reforms while you're having your head shot off by guerrilla forces that are armed and supported by the Soviet Union and Cuba.

There are almost 10,000 Salvadoran insurgents who are mostly armed with captured weapons that we supplied to the Salvadoran military.

Those are captured weapons that we supplied to the Salvadoran military, the Salvadoran Government's Army.

How much does it cost to kill one of these guerrillas? If you just take the entire budget, you would have to think that it takes, in 1984, $26,000 per guerrilla. That is for this year. Of course, we will not kill them all this year. So in order to meet that emergency, President Reagan's budget has more in it for next year.

He suggests in his budget $700 million—that breaks down to about $70,000 to kill each guerrilla next year. That is expensive killing.

The hundreds of millions for El Salvador add up to billions and the budget deficits here at home get larger, interest rates get higher, the economy starts to slow, and we talk a lot about the need to cut spending. We can start to cut spending right here today by limiting the military aid to El Salvador.

All Americans should know how U.S. aid in El Salvador is being squandered.

First, of the $263.4 million already appropriated for 1984, $160.5 million still has not been spent and is available for El Salvador during the next 6 months.

Another $62 million would make the amount available $225 million. They will have a hard time spending it all in that small country.

Second, all Americans should know that countries closer than we are to El Salvador do not view the military power of 10,000 Salvadoran guerrillas as a military threat to them. Mexico and Panama recognize the threat of continued warfare there as being an internal dispute contrary to the goal of a stable government. They recommend to the United States that we recognize that fact and act accordingly to keep armaments out of El Salvador and allow the internal disputes to die down.

Third, armaments from the United States are being used by both sides in El Salvador. That is inevitable. The insurgents capture arms and ammunition from the army in skirmishes.

In those skirmishes, the insurgents capture arms and ammunition from the army. We do not know outside of those skirmishes how the insurgents may also get armaments from the army. But, of course, buying them is one opportunity. Who of the insurgents would say that the Salvadoran Army is so pure that it never occurs to them to sell armaments to their enemy. In the end, we are supplying both the army and the insurgents with their weapons and ammunition.

Fourth, D'Aubuisson calls rich El Salvadorian refugees in America and tells them he will delay further land reform and that they can come back and assume their property. This was before the elections. Duarte—called a Communist by D'Aubuisson—is going to also milk the United States for all the money he can.

That is a point that cannot be missed. That is how you make good as the President of such a tiny country.

Fifth, the American people ought to recognize that the approval of the $62 million will only be a downpayment on what President Reagan hopes will be a total of $700 million for the next 18 months.

Sixth, before Americans throw up their hands in frustration, let them focus on this point—the means and methods of controlling arms shipments to El Salvador from Cuba or Russia is not addressed in these bailouts to El Salvador's Army in fighting the 10,000 insurgents.

We can and should pressure Cuba, as I have stated earlier, to back peace in Central America. We can stop Cuba and Russia from building up military threats to that country and region by clear unmistakable diplomatic pressure, surveillance, detection, and interdiction of any such shipments. The present U.S. policy developed by President Reagan picks out El Salvador as a gruesome battle area to demonstrate U.S. military armaments capability in

a very prolonged internal struggle of the poor to adjust that country's goals to change a society controlled by the rich and the army. While that struggle goes on, both sides will use those arms to fight as long as we supply them. This is a very small country and does not manufacture weapons. They get them from abroad—specifically in quantity from the United States.

Seventh, for all Americans who believe we ignore their problems at home, let me state, they are correct and $62 million more for El Salvador does add to those domestic problems because it will come out of funds that otherwise might alleviate their burdens. Further, it is squandering tax dollars for purposes that have no good goal for the United States and further leads to squandering of hundreds of millions of dollars more in El Salvador in the future, if we permit it to be the case.

To blunt this policy, I offer an amendment to restrict these funds to a 3-percent cap above the funds already voted for El Salvador this year with exceptions for both food aid and medical aid. The 3-percent cap sets a limit at $7.9 million. Food aid in my amendment amounts to $14 million and medical aid amounts to $13.5 million, as in Senator INOUYE's amendment. The total comes to $35.4 million. There is no better time to show some restraint in spending and restraint in armaments in El Salvador in order to correct a false and dangerous policy for that country and for all of Central America. All of the litany of President Reagan and his administration in justifying increasing armament support for El Salvador is based on snuffing out 10,000 insurgents. Those insurgents are armed with the armaments we sent to the El Salvadoran Army.

The President is wrong on El Salvador and I challenge his understanding of the people there and in Central America. I challenge his accuracy. I challenge President Reagan to review and corroborate his assessment of El Salvador and Central America with other Central American countries. The people of those countries have for generations and with justification feared the oppression of their government's armed forces. Ask Mexico and the other members of the Contadora group. I say to President Reagan; ask the refugees of Guatemala.

I call on President Reagan to reassess the events in Nicaragua, where the people overthrew the military might of Somoza, to reassess why Costa Rica has no army at all, and to assess the military upheaval occurring in Honduras even during the past several days.

I challenge a policy built on a centerpiece of military armaments for El Salvador. Restraint on armaments for Central America has to be the centerpiece for a good U.S. policy. My amendment does that.

Mr. President, I reserve the remainder of my time.

Mr. KASTEN. Mr. President, I yield 15 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I appreciate the opportunity to speak for a brief period of time on this amendment proposed by the very able Senator from Montana. I simply wish to emphasize a few points lest we keep retracing old ground here, which may very well occur as we continue to face one amendment after another.

First, I know it is not the intention of the gentlemen offering the amendments on the El Salvador question; I do not question their motivation or their integrity, nor the incisiveness of their arguments; but I think we need to note the effect of this heavy barrage of amendments that we are being faced with over the next few days. I am not suggesting that is the motivation, but the effect of it is to stall any quick action on this particular measure that we have very broad bipartisan support for.

The further effect, of course, is to try to whittle away at this broad bipartisan support. I think that is, again, with all due respect to those offering amendments, unfortunate. I frankly preferred the larger figure that the President originally proposed in the $90 million range. Senator INOUYE, in the great spirit of trying to build a bipartisan coalition, proposed $62 million.

That figure has been broken down and there is obvious broad bipartisan support for it as shown on earlier amendments and votes on earlier amendments. What we continue to see emerging here, I presume, today and for the balance of the week, is a continual barrage of amendments that will have the effect of, one, stalling the giving of aid and, two, whittling away whatever with a little imagination one might dream up to whittle away.

I appreciate that these Senators are honorable in their intentions and they have every right to offer amendments under the rule of the Senate and are proceeding to do so, so we accept those as the realities of life and must proceed to respond to their individual amendments, I think with the best-reasoned arguments we can.

First, again I would like to underscore as heartily as I can that there is broad bipartisan support for the measures that currently exist that developed out of the very effective cooperation between the distinguished Senator from Hawaii and the distinguished Senator from Wisconsin. If I am not in error, I note in this report and if I am in error, I stand to be corrected, the very distinguished minority leader of this body is supporting that. I might note—and again, I shall be happy to stand corrected if I am in error—that the majority leader of the House of Representatives, the distinguished Representative from Texas, Mr. JAMES WRIGHT, is supporting it. So it is not one of partisan interest. It is of broad bipartisan interest.

Everyone will have to give on this. Those who supported the position I took gave, gave up a third. I know Senator KASTEN preferred the larger figure and he gave up a third. It is always difficult to work out compromises, but in this case, we do have broad bipartisan support. I think that is a healthy development and I would like to underscore that, that this is not a narrow partisan matter.

My quarrel, if you will, or disagreement with the amendment of the distinguished Senator from Montana is that the effect of it would be to gut any real genuine military assistance to the Army of El Salvador. To me, that would be a great tragedy. What we have seen in El Salvador in the past week is an outpouring of support for this election, the beginning of a viable democracy, and whatever weaknesses Mr. Duarte may have or Mr. D'Aubuisson may have, at least they have shown a willingness to participate in the democratic process. That is more than one can say about the insurgents, who are hoping to shoot their way into power as an armed ideology, backed by Nicaragua, Cuba, and the Soviet Union.

Mr. Duarte made a statement that I read over the weekend in which he said, "If we do not get this aid, we are going to lose this conflict, this fledgling democracy, to the Communist-Marxist-Leninist totalitarian guerrilla forces." I remind the distinguished Senator from Montana that Mr. Duarte led heavily in the election, is likely to be the next President of El Salvador, and is a man whom, by any standards, we would identify as having a center-to-left position on the American political scale and also that of Central America and South America.

He himself is saying that if they do not receive this aid to support the army, the Communists will simply win a victory.

What we will have allowed to happen—the United States, the leader of the Free World, in our own hemisphere—we would have allowed the armed ideology of communism, the Marxist-Leninist guerrillas who have refused to participate in the democratic process, again backed by the Sandinista Marxist-Leninist regime of Nicaragua, backed by Fidel Castro of Cuba, backed by Moscow and the Governments of Eastern Europe and, I might note, the PLO—Soviet proxies—to, in

effect, gun their way into power in Central America.

As Mao Tse-tung put it one time, "Political power comes out of the barrel of a gun." That is precisely what is occurring in Central America.

Now, I have noted before on the Senate floor, going back to the Monroe Doctrine of 1823—which incidentally James Monroe was a part of the lineage of the distinguished contemporary Democratic Party; the Jeffersonian Republican Party of that era, of course, is the earlier ancestry of the contemporary Democratic Party—it was the Monroe Doctrine of 1823 that there has been broad bipartisan support for ever since that time. The effect of the Monroe Doctrine was that we would not accept in this New-World-Old-World dominance, military presence, or control; foreign intervention and military presence of Old World power; that we intended to see our own kind of system the best we could; and that our spheres of influence would be preserved.

What is currently going on in Central America because of the Soviet, Cuban, and Nicaraguan connection is clearly a total de facto repudiation of the Monroe Doctrine. I think that is tragic. Again, I repeat, it came from the man known as the Father of the Constitution and it came from a man who was a part of the Jeffersonian Republican Party tradition, of which the distinguished Senator from Montana is a part, which again shows bipartisan support.

With all due respect to those who oppose continued aid to El Salvador, some seem to prefer it in no form at all, some seem to prefer it in a form which this amendment does without the military dimension. But as Mr. Kissinger has pointed out in the Kissinger Commission report—and I would submit commonsense would point it out—you cannot build a viable democracy and progressive reform unless you have the military shield behind which you can do it, because you are faced with the armed ideology of the insurgents again backed by Nicaragua, Cuba, and the Soviet Union.

You cannot stop armed violence just through wishful thinking and good will. What good does it do to send food assistance or medical assistance or other moneys that might be used to help build a viable and progressive and democratic society in El Salvador when you do not provide the military assistance to the army of that Government to withstand the onslaught of those who will not even participate in the democratic processes? I think it puts us in a very awkward position. And I tell you what kind of policy it is. It is a policy of isolationism, of simply washing our hands in any serious way of military developments in Central America. There is nothing new about it. There is nothing progressive about it. It is old. It is reactionary. It is the isolationism of the 1930's, and it is totally out of character with the whole broad, bipartisan foreign policy that this country has shown in Central America going back to the Monroe Doctrine of 1823, the firm actions that Theodore Roosevelt took as a Republican in the early part of this century, or Woodrow Wilson took as a Democratic President in the early part of this century. It is at odds with the Good Neighbor Policy of Franklin Roosevelt, or the Alliance for Progress of John Kennedy; it is at odds with the action that Democratic President Lyndon Johnson took in the Dominican Republic in 1964, and Republican Ronald Reagan took in Grenada last year.

We need to assert our influence and our power in this part of the world and, when confronted militarily, we must have a military response. That is elementary; it is commonsensical. To ignore that is simply to allow political power to come out of the barrel of a gun. If that is going to be America's policy in Central America, Africa, Asia, and the Middle East, I fear for our own security and future in terms of being able to maintain a democratic society in this country let alone those of our allies.

Probably my time grows short. I should like to conclude on what I thought was a very perceptive remark made the other day in this debate by the most able Senator from Hawaii (Mr. INOUYE), a distinguished trial lawyer, one of the most eloquent speakers in this Chamber, and one of the most decisive thinkers in this Chamber. He was making what I think is a very perceptive, incisive remark the other day that I had not heard, seen, or read anywhere else. He said that if we do not grant this aid promptly and effectively, we may very well communicate the message to the people of El Salvador that some way or other we disapprove of Mr. Duarte.

I do not mean to quote the distinguished Senator. I may slightly misquote him, and if I do I will again be delighted to have him correct me, but his point was we would not want to communicate the message that we are now withholding support because some way or other we find Mr. Duarte unacceptable. I guess the implication would be we prefer D'Aubuisson, which I know the distinguished Senator from Montana does not and apparently the plurality of the people of El Salvador do not.

Mr. Duarte led and led substantially, and he is a man, in terms of the political spectrum, of the moderate left democratic socialist tradition. Why would we want to telegraph the message to his people and to him and to the people of El Salvador that we do not approve of that?

Mr. MELCHER. Will the Senator yield for a question?

Mr. EAST. Just allow me to finish, please, and then I will.

The effect of this would be, as a practical matter of American foreign policy, we do not really care about democracy in Central America. And if the Communists shoot their way into power, so be it; we wash our hands of it.

Now, I know that is not the intention of the Senator from Montana or any other Senator in this body, but I find that morally repugnant. It is no policy. I think what you are going to continue to witness in Central America, whether one likes to admit it or not, one by one these regimes are going to fall under Communist domination, again, through the Nicaraguan and the Havana and the Moscow connection. It is Nicaragua now, then El Salvador, then Honduras, then Guatemala. I simply say at some point, gentlemen, you are turning the Caribbean into a major influence in terms of Soviet military power in the New World, in total violation of the Monroe Doctrine and, perhaps even more importantly, in total violation of what is morally acceptable, at least as I see it. To allow the Caribbean area and the Central American area to fall under the control of the Soviet Union is going to be a great disaster not only to democracy, but it is going to be a great disaster ultimately to the well-being and the security of our institution and tradition of democracy in this New World.

The PRESIDING OFFICER. The 15 minutes yielded the Senator has expired.

Mr. EAST. I again thank the Chair and I again thank the distinguished managers of this bill for allowing me the few minutes to respond to what I think is a negative amendment. I hope that the bipartisan support will reject it when the yeas and nays are ordered.

Mr. MELCHER. Mr. President, will the floor manager yield time to the distinguished Senator from North Carolina so that he can answer my question?

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, I am pleased to yield to the Senator 3 additional minutes.

Mr. MELCHER. Will the Senator on our side yield us 10 minutes on the bill so that the distinguished Senator may answer some questions?

Mr. INOUYE. I believe you are managing on your side?

Mr. MELCHER. On the bill?

Mr. INOUYE. It is up to you.

Mr. KASTEN. Mr. President, a parliamentary inquiry. The total time on the bill is 8 hours. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KASTEN. So I take it that the Senator, as acting manager for his side, would be able to do that.

I think we can assume control of 4 hours on the bill on this side, so you would be in the position of allowing that time from your 4 hours on the bill.

Mr. MELCHER. Mr. President, I yield 10 minutes from the bill plus the 3 minutes that have been yielded by the distinguished floor manager on the other side, for a question of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Montana is yielding time from the bill.

Does the Senator from Wisconsin now wish to rescind his yielding of 3 minutes from his side on this amendment, or does he wish to let it stand?

Mr. KASTEN. I will let it stand. The point we are trying to make is that he now has 3 minutes from our time on this amendment, and he has the additional time the Senator from Montana is yielding from the opposition time on the bill.

The PRESIDING OFFICER. That is correct.

The Senator from Montana.

Mr. MELCHER. I thank the Chair, and I thank the distinguished floor manager of the bill.

Will the junior Senator from North Carolina yield for this question?

First, is he aware of the unspent money already appropriated for El Salvador?

Mr. EAST. Senator, I presume there are moneys that are currently available, that are in the pipeline, moving, and one can argue over the particular figures, I suppose, endlessly.

I saw the other day that the administration said it would be $400 million over a several-year period.

So I think that whatever particular figures we might select for debate or argument or whatever, it still brings me back to the fundamental point that the effect of the Senator's amendment would be to eliminate, for all practical purposes, any serious continued, near term—and I suppose it would reflect a long term—position of military assistance to the Government of El Salvador. I strongly dissent from that.

Mr. MELCHER. I thank the Senator for his explanation.

There is $160 million already appropriated, not counting this proposed $62 million. That has already been appropriated in the 1984 bill for El Salvador, $19 million is held up, but the other $141 million is still waiting for them to spend in the coming 6 months.

I ask the distinguished Senator from North Carolina if he thinks that if President Duarte is the final victor in this election for President in El Salvador, President Duarte is going to campaign between now and the final election day—assuming he is successful after that—that he is going to campaign for less money from the United States? Does the distinguished Senator really believe that Duarte, as a candidate for President, and if elected President, would say to the United States—to President Reagan, in effect, and to Congress—"Please don't send us so much money"?

Mr. EAST. Let us assume that Duarte is elected President. I think that the Duarte government, for an indefinite period of time, is going to need American military assistance, as well as medical assistance and economic assistance, just as—if I might use a comparison—the Israeli people and the country of Israel and the Middle East will continue to need American military support as well as other forms.

Mr. MELCHER. Precisely. I thank the Senator for his answer, because that is the point. They are going to ask us for more as much as they can get.

I ask the Senator from North Carolina if he really believes that, somehow, we are not sending armaments to both sides. Does it not end up and does not the Senator believe that, as reported, many of these armaments end up with the insurgents.

Mr. EAST. I noticed, I believe, on "Meet the Press" yesterday, and I have read an analysis of it, that this figure is not correct.

Mr. MELCHER. What figure are you referring to?

The PRESIDING OFFICER. The Chair asks Senators to address the Chair.

Mr. MELCHER. Mr. President, I inquire of the distinguished Senator, what figure?

Mr. EAST. The figure I say was about 7 percent that was in a particular locale. But the Senator smiles. Let me put it in broader perspective.

I read an interesting column by Milton Condracky, a man of the "liberal to moderate" point of view, who is executive editor of the New Republic, who said in the paper the other day that the U.S. Congress is not equipped to micromanage American foreign policy. I think he is correct.

All I am saying to the distinguished Senator from Montana is this: You can get witnesses in here who are saying they are getting a large number of arms. They will get witnesses in who say they are not. I do not know. You and I could go on and on endlessly about it.

Is it 7 percent? Is it more? If it is more, where are they getting them from? Some say they are getting them from the open market that came out of the American collapse in Vietnam, because Congress undercut the President's efforts there, in my judgment.

In any case, I think that what one must acknowledge is that the practical effect of this niggling—and I call it niggling—is to get to the point that people do not really want to give the aid that is adequate.

One can say the same about aid given to Israel, but we are going to defend Israel, and we should defend Israel against the Syrians——

Mr. MELCHER. Mr. President, I thank the Senator.

Mr. EAST. As proxy of the Soviet Union in the Middle East.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MELCHER. Mr. President, I want to point up this part of the statement by saying that, yes, President Monroe was a Democrat; yes, President Jefferson was a Democrat. And they were both very great Americans, and they both started this country on the right course.

As to the Monroe Doctrine, there was nothing in the Monroe Doctrine that said we should send armaments to El Salvador or any other South American country. The Monroe Doctrine is specifically what I pointed out in my earlier remarks that provides us authority to intervene, to prevent, to interdict shipments of arms into another country for the purpose of disturbing the peace there and for threatening the peace in this hemisphere.

The Senator from North Carolina perhaps did not hear my remarks. If he will read them in the RECORD, or I am glad to supply him a copy, he will find we make that very clear.

Mr. KENNEDY. Mr. President, will the Senator yield for a series of questions?

Mr. MELCHER. Mr. President, I yield to the Senator from Massachusetts for the purpose of asking some questions.

Mr. KENNEDY. First of all, I congratulate the Senator from Montana for this amendment that he has proposed and particularly for continuing the debate and discussion on Central American policy.

Some Members have said that those of us who sought to get this body to debate this issue were rather naive in their belief that other Members of this body did not really understand Central American policy. I think the wording that was used was "myopic."

I welcome the fact that the Senator from Montana, in his exchange with the Senator from North Carolina, has discussed in detail the specific amounts of money involved. As he correctly pointed out in this recent exchange, $19 million of the funds already appropriated have been fenced off, but would be available virtually overnight to the El Salvadoran Government if there were a verdict in the trail of those charged with the murder of the four American churchwomen who were brutally raped and then shot

in 1980. It is important that that matter again be brought before the Senate. I wish to question the Senator from Montana about his specific amendment.

I have been here since the early part of his presentation. There are a number of features of the amendment which I think are particularly deserving and commend themselves to favorable action by the Senate this afternoon.

First of all, as I understand the Melcher amendment, it is an amendment for an appropriation of some $35.4 million as compared to the $61.75 million that has been tentatively agreed to in this legislation.

Am I correct?

Mr. MELCHER. The Senator is absolutely correct.

Mr. KENNEDY. If this amendment were accepted, the funds would be available through this fiscal year, that is, to the end of September 30. Included in the Senator's amendment is a recommendation that the military aid portion be equal to what it was provided last year with a 3-percent growth. Am I correct on that?

Mr. MELCHER. The Senator is correct, and 3 percent is in line with so many other caps we are talking about for other programs.

Mr. KENNEDY. So the amount of military assistance that the Senator is talking about, as I calculate it, would come to about $7.9 million?

Mr. MELCHER. The Senator is correct.

Mr. KENNEDY. For the reasons that the Senator from Montana has outlined, the amendment limits the vote of growth in military assistance to the same limit placed on domestic programs.

I also wish to draw attention to those funds that could be used for a variety of different functions—ammunition, training, trucks, and helicopters, ground maneuver forces, communications sustainment, and the various other military programs which have been identified by the administration. We should note a special feature of the amendment of the Senator from Montana—it provides the full $13.5 million requested in medical aid and assistance. This represents a very modest increase over what was actually accepted as the compromise amendment. Is my understanding correct that there would be a modest increase in medical aid even over the amount in the tentatively agreed amendment?

Mr. MELCHER. The Senator is correct. It is a little over $1 million more than what would be available for medical purposes under the Inouye amendment.

Mr. KENNEDY. The Senator from Montana also has included in his amendment $14 million for food aid and assistance which has not been included in the compromise amendment which has been tentatively agreed. Am I correct in that as well?

Mr. MELCHER. The Senator is correct.

Mr. KENNEDY. I am strongly committed to help and assist the thousands of displaced persons in El Salvador. I will address that issue shortly, perhaps even this afternoon. We need to focus additional attention on their critical needs. I imagine that the funds contained in the amendment of the Senator from Montana would be distributed through various church agencies and other nonprofit groups, to prevent as much as possible what is called "seepage." That word of art is used to describe the actions of many in El Salvador who misuse American aid and assistance, whether it is humanitarian aid and assistance or military aid and assistance, for their own personal gains, such as sales on the black market. This particular amendment, contains food aid and assistance which is not contained in the compromise amendment.

It is useful for the Members to have outlined for them the contents of the Melcher amendment because I think its stress and emphasis on humanitarian help and assistance are important. It is also important to recognize it provides for the continuation of military aid at approximately last year's level with a small measure of increase in terms of inflation.

I intend to support that amendment. The principal difference, I believe, between the Senator from Montana and myself is that I wish to await the outcome of the runoff election itself before committing over a longer period of time either military and humanitarian assistance. I welcome the Senator's strong emphasis and insistence on humanitarian aid. I do think it is important to support this amendment.

Finally, I wish to review with the Senator from Montana the various other authorities available to the President to provide emergency assistance, military assistance, which have been touched on only lightly during the course of this debate. I wish to know whether the Senator from Montana would not agree with me that there does exist, even at the present time, very substantial funding that would be available should the President want to make it available within his own power if there were some very dire emergency? Would the Senator not agree with me on that issue?

I do not want to trespass on his time, but I will have an opportunity either now or later when I offer my amendment to review those programs for the Senate.

But I think it is important that since the Senator has referred to it we underline that particular fact.

(Mr. DANFORTH assumed the chair.)

Mr. MELCHER. Mr. President, I think the Senator from Massachusetts has added more and more to what is available to President Reagan to spend there as he so desires. It is up to the El Salvadorans to make the request for the $160 million that has been appropriated and is still waiting anxiously. I would suppose, in the State Department's coffers. It will come out of the Treasury and out of the taxpayers' pockets, to go down to El Salvador.

But the Senator is absolutely correct. The President has $250 million in contingency funds that he can send down there in armaments. That is a quarter of a billion bucks.

Mr. KENNEDY. I imagine the Senator from Montana is referring to section 506(b) of the Foreign Assistance Act which permits the President in the interests of national security to draw down from Defense Department stocks. It is my understanding that the President has approximately $75 million available to him from this source and has relied on this authority at least twice in the past to provide emergency assistance to El Salvador.

Mr. MELCHER. Has the President drawn down on that particular fund yet?

Mr. KENNEDY. There have been two occasions. One occurred when the Ilopango airfield was bombed in El Salvador in 1982. The other occurred when President Reagan requested emergency authority to draw down defense stocks during fiscal year 1981.

But at least that authority is available. There is also section 614 of the Foreign Assistance Act which also permits the President to use up, as the Senator has mentioned, to $250 million once he determined such expenditures were in the national security interests or in the interest of the United States. He could also rely on section 21(d) of the Arms Export Control Act which provides an authority to send whatever is needed on an emergency basis by the military in El Salvador. Under that legislation, the President merely defers the billing date for repayment for 120 days and relies on excess military stocks to tide El Salvador through the emergency, if such an emergency really does exist. After 60 days, under this legislation, the President submits a finding to the Congress that his use of this authority was, in fact, required by our national security interests and requests Congress to authorize and appropriate the amount needed to pay for the material drawn down earlier to meet the emergency.

So there are those provisions. I would dare say, Mr. President, that I believe that this whole supplemental request, and the skirting of the Senate Foreign Relations Committee, was basically motivated by the fact that the administration believed that there was a real possibility that Mr. D'Aubuisson

would receive a strong vote in the initial election and perhaps be successful in the final runoff. I believe the administration wanted to make sure that there was enough resources and moneys, both in the pipeline and actually appropriated by the Congress, so that we would not be able to have the kind of voice on future levels of assistance and help. Such a voice is essential if we are going to insure that the murder of the four American churchwomen is going to be accounted for, the murder of the two labor advisers is going to be accounted for, that there will be a termination of death squad activity, and there would be a real movement toward an end to violence and beginning of a process of negotiation.

The Senator is quite correct in pointing out the funding which is available. It is quite appropriate to wonder why the administration is rushing us to appropriate millions of additional dollars more of military assistance.

I thank the Senator from Montana for his response. I believe that he has helped very much in this discussion and debate on the American policy in El Salvador.

Mr. MELCHER. Mr. President, I thank the Senator from Massachusetts.

Mr. President, I point out that all of these unspent moneys already appropriated to El Salvador, plus the President's contingency fund in various forms, add up to a half billion dollars being available for El Salvador over the next 6 months, if we never appropriated them another nickel.

The point is that here we have been goaded on by claims of urgency, by claims of vital need, by the claims that crop up in these urgent supplementals every time for El Salvador, and they have never gotten to the bottom of the well. We are continually adding depth to that well. And the funds are there. They have never run out.

There is too much that has been appropriated to them; there is too much available. I am not sure why we are addressing this in an urgent supplemental.

I reserve the balance of my time, Mr. President.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, first of all, how much time is available on the Melcher amendment?

The PRESIDING OFFICER. Forty minutes to the Senator from Wisconsin and 30 minutes and 15 seconds to the Senator from Montana.

Mr. KASTEN. So then we assume that the discussion that we have just had between the Senator from Massachusetts and the Senator from Montana was in fact time off the bill, not time off the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KASTEN. Mr. President, I would like to respond to a couple of the comments that have been made here, I hope to put the overall question in a more definitive context.

We began with an administration request of $93 million in emergency military aid for El Salvador. That aid was basically in four components. Component No. 1 was military aid in the amount of $49 million. The second component was medical assistance, approximately $12½ million. The third component was mobility, approximately $29 million. And the fourth component was communications equipment, which was roughly $4 million. That added up to $93 million.

We then, working with the Senator from Hawaii and members of the administration, made a compromise. As I suggested when I agreed to that compromise, I felt that the entire $93 million was needed, and I felt that we had the votes to pass that on the floor of the Senate. But in the interest of demonstrating the kind of bipartisan support shown by the Kissinger commission and in the interest of working with the ranking minority member on the Foreign Operations Appropriations Subcommittee, I worked for and am now supporting the Inouye compromise.

The difference between the administration request and the Inouye compromise is essentially the mobility component. In other words, we are talking here about military aid in the neighborhood of $49 million. The medical assistance is the same as the administration's request, $12.5 million. We dropped the $29 million in mobility, and we have a small amount of money in communications equipment; effectively the new communications equipment has also been dropped. The total figure of the Inouye compromise is roughly $62 million.

Now a third amendment has come before us. I think it is important to recognize how that fits with what has already been adopted. This third amendment is for a total of approximately $35 million. But the components are significantly different than either the Inouye amendment or the initial administration request.

Where both Inouye and the administration request had $49 million for military assistance, the Melcher request comes at just under $8 million. That is the area that is most urgently needed. That is the critical part. A difference of $49 million compared to $8 million.

The Melcher amendment picks up the medical component. So Melcher would agree with the administration and with Inouye on medical funding, roughly $13 million.

Mobility is cut out in both the Inouye and Melcher amendments. Communications equipment is out in both the Inouye and Melcher amendments. Then, in order to make up the difference, we add $14 million in Public Law 480 funds to make the total of $35 million. Well, we do not need the Public Law 480 emergency food assistance. That is not requested by the administration. So the effect of the Melcher amendment is not just a difference between $49 and $35 million——

Mr. MELCHER. Will the Senator yield?

Mr. KASTEN. I will yield after I have completed this analysis.

Mr. MELCHER. This is a very pertinent point, because it is requested in the President's request.

Mr. KASTEN. I will yield after I have completed the analysis.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. KASTEN. The effect of the Melcher amendment is to impact primarily on the emergency military aid, which both the Inouye compromise and the administration request agrees on and to cut the $49 million figure to an $8 million figure.

That is important to recognize. There is some money in the pipeline for El Salvador that has not been spent. In my view, it is in the neighborhood of what we have been talking about, which is $140 million. It might be as high as $160 million. That money is economic assistance. It is not for military, medical, mobility, communications, and so forth. That money is $150 million of previously authorized and appropriated funds which are going to be used between now and the end of the fiscal year for economic assistance, and by law cannot be used for military assistance. It is prohibited from being used for any of the issues that we are here debating. That money is separate.

The reason it is in the pipeline is because we are only part of the way through the fiscal year. It will be spent. It is being spent on a schedule. It will be spent by the fall when we finish our fiscal year. There is a $19 million military assistance component which has—the Senator from Montana is correct—been set aside. That is, as the Senator will remember, the 30-percent Specter amendment which was agreed to by our subcommittee, and we withheld 30 percent of our previous military appropriation pending a verdict on the churchwomen's case.

That is withheld. The churchwomen's case is now proceeding. I am confident that it will come to a trial soon. That is the only part that could in anyway, shape, or form be used to meet these urgent needs.

It was also said that the money had not been authorized. The Senator

from Massachusetts once more brought up the point that the money had not been authorized and somehow we are trying to skirt the authorization process. That simply is not true.

The appropriations we are providing are authorized. When we considered the continuing resolution last year, the House of Representatives appended the authorization legislation to that measure. When we went to conference we accepted that recommendation. We did so with the full encouragement of the Senate Foreign Relations Committee.

In fact, I would bring to my colleagues' attention section 101(b)(2) of the continuing resolution which is cited as the "international Security and Development Assistance Authorization Act of 1983." That is in the law. The authorization level for the military assistance program is $639,700,000, of which $510 million has been appropriated and enacted into law. Should Congress have approved the $93 million request, or should Congress now approve the $62 million Inouye compromise, it would still leave a significant unfunded authorization.

This provision of emergency funds in no way should affect the authorizing committee's prerogatives as far as overall policy toward Central America is concerned. In fact, all of these questions remain open and should be handled in the course of the regular process. The money that we are talking about today is authorized. The authorization committee, Senator PERCY and Senator PELL understand that and have indicated as much in letters to the administration and in comments to us. The dollars have been authorized.

They went beyond that, however. Last Tuesday there was a special hearing on Central American policy at the Foreign Relations Committee. Basically they went through an explanation of where those dollars might be going.

I would make just a final point because a number of people brought up, "If the President wants this money, why does not he ask for it?" It is correct that there are two funds in which the administration could request this money. One of them is section 506(a) which is basically a contingency defense stock fund, and the other is a section 21(d).

In the past the administration has used as a drawdown on the defense stock funds under section 506(a). We drew down $55 billion about 1½ or 2 years ago. That fund has in the past been used for El Salvador emergencies and 21(d) has not yet. That essentially is a delaying fund. You draw down and the dollars are paid back later. It brings out equipment. It is a delay in the payment.

One is a defense emergency contingency draw down. The other one is essentially a delaying financing mechanism. Both of those funds could have been used. Frankly, a number of us recommended at different times that they ought to be used for El Salvador. But the reason—the Senator from Massachusetts and the Senator from Montana brought up this point—these funds were not used is because a significant number of Senators and Congressmen insisted that they not be used. The people who were opposed to the overall process and the people who were concerned about the expenditure of this money said in letters to the President, and in letters to the Secretary of State, do not do an end run around the Congress. Allow for debate in the Senate, and allow for debate in the House. Do not use the emergency funds.

I have before me a letter from the chairman of the Foreign Relations Committee, Senator PERCY, on that fact. I have another letter in front of me from the ranking member of the Foreign Relations Committee. We have letters from the chairman of the Foreign Operations Subcommittee of the Appropriations Committee in the House and a letter signed by 23 members of the House Foreign Affairs authorization committee insisting that the emergency authority not be used, that we have the debate we are having today and that Congress have a chance to act on this money with up or down votes.

As everyone on this floor remembers we have not had a vote on this question for a number of years. There has not been an authorization bill. We are talking about "Why isn't it authorized?" We have been authorizing in the appropriations bill because the authorization bills have not moved through the process, either in the House or in the Senate. We are not waiting. The problem does not occur here, the problem occurs that neither authorization bill is passed. We have not had a record vote on this question up until last week when we voted on the Inouye amendment. We have not had a record vote since 1981 on El Salvador aid. People have preferred, frankly, Senator, to avoid those votes which we are now forcing today. It is important to recognize, No. 1, that the Melcher amendment significantly cuts the military assistance segment which is the key. There are not all sorts of dollars out here in some fund that have not been spent. Those dollars could not be spent for the purposes that the emergency assistance is addressing today.

But this is not an end run around Congress or the authorization committee. In fact, it was the chairman and ranking members of the authorization committees who are insisting upon the process that we are working with today; and lastly, we have a real emergency in El Salvador. We must go forward with this military assistance.

I would be happy to yield to the Senator from Massachusetts and also to the Senator from Montana.

I will yield to the Senator from Massachusetts for a brief question.

Mr. KENNEDY. I have a couple of questions if I might yield to myself, if there is no objection, Mr. President.

Mr MELCHER. Mr. President, the control of the bill on this side should be properly with Mr. INOUYE.

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

I was interested in listening to the Senator from Wisconsin talk about how we have arrived at where we are today—his reviews of the requests of various Members of the Senate, and the House, and the procedures of this body in terms.

That is, I would understand, a correct explanation up to a point. But the good Senator from Wisconsin has halted his explanation somewhat prematurely. Where we are now is this: We are considering an amendment to the appropriations bill at the same time as the Senate Foreign Relations Committee is considering this very issue, military aid to El Salvador. Rather than following the time-honored process of this body which permits the authorization committee first to give consideration to legislation authorizing the particular funds and then the appropriation committee to make the appropriation—we are basically circumventing the procedures of the Congress by adding this money on to the appropriations bill almost at the very moment when the Foreign Relations Committee is considering the whole issue of aid and assistance to El Salvador.

Mr. KASTEN. Will the Senator yield?

Mr. KENNEDY. I would welcome that because in framing the question, I know the answer to this. I would dare say, as I mentioned earlier, that the urgency of this request had more to do with the possibility that Mr. D'Aubuisson would be elected and the desire of the administration to get as much resources and money in the pipeline as possible beforehand rather than to take a chance that he might not be elected, and following the procedures and the process of the Senate.

Mr. KASTEN. I would like to respond to the Senator by saying the Senator is right on the substance, but the Senator is mistaken about the law. At this point——

Mr. KENNEDY. Which law? The law that requires that we authorize before we appropriate or appropriate before we authorize?

Mr. KASTEN. The Senator is correct, that at this moment or during this period of time, the Foreign Rela-

tions Committee is in fact having hearings and is discussing the question of aid to Central America. They are discussing that in the context of the 1985 authorization bill. What we are discussing here today is emergency assistance in the context of the 1984 authorization bill which was incorporated into the continuing resolution last year.

So the Senator is correct, over the past week or so the Foreign Relations Committee has been discussing aid to Central America in the context of the 1985 authorization bill. Today we are dealing with the question of emergency assistance which has been authorized in the 1984 authorization bill which was included as part of the continuing resolution that we passed last year.

Mr. KENNEDY. Under the continuing resolution, there was $64.8 million, is that correct, under the continuing fiscal year 1984 resolution?

Mr. KASTEN. That number was correct in the appropriations part but if you look at the authorization part, the figure is much higher. The authorization level for military assistance was $639,700,000 of which $510 million has been appropriated.

Mr. KENNEDY. Let me get back to the point I mentioned earlier. Am I not correct that the Senate Foreign Relations Committee is also considering the supplemental request for fiscal year 1984?

Mr. KASTEN. They may be considering the regular supplemental request. It may have come up in the hearings they had a week ago. But they, in their oversight responsibility, I am assuming, can do that any time they want. But the point is the dollars have been authorized and the procedure we are using is correct.

Mr. KENNEDY. Mr. President, I do not believe we are talking about semantics in this exchange. It is my understanding the Foreign Relations Committee is not only considering the fiscal year 1985 request but also the supplemental for fiscal year 1984.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. KENNEDY. Will the Senator from Montana yield me 3 minutes?

Mr. MELCHER. Yes, Mr. President; I yield 3 minutes.

Mr. KENNEDY. The point is the Foreign Relations Committee is considering not only fiscal year 1985 but also, I understand, the supplemental for fiscal year 1984. It is important to understand that this is not just an issue or problem that starts one year and stops in another. We are talking about an expanding policy of militarizing the problem in El Salvador. These issues do not just stop one day in one fiscal year and start in another. I think the ramifications of this process and procedure were very well discussed last Thursday by the ranking member of the Foreign Relations Committee. For the reference of our colleagues, page 7073 of the March 29 RECORD probably puts this issue in perspective in terms of the process and procedures as well as any other explanation. I thank the Senator from Wisconsin.

Mr. KASTEN. Mr. President, in the press of debate by both the Senator from Massachusetts and the Senator from Montana, it has been suggested that the military ought to be using one of its executive branch drawdown authorities. Am I to believe the Senator from Montana or the Senator from Massachusetts in fact would support that and that they believe that the more proper way of providing this emergency military assistance would be through a drawdown on either section 506(a) or 21(b)?

Mr. KENNEDY. If the Senator is addressing me, the fact, Mr. President, is I do not. For reasons I have outlined earlier, I believe that if that were an emergency with regard to the period of time between now and the time of the El Salvador presidential election I would not oppose it. I would not oppose it, if that is the question of the Senator from Wisconsin. I believe we are entitled to learn the outcome of that particular election prior to making what I consider to be virtually an open-ended commitment of the Congress of the United States to the El Salvadoran Government, no matter who wins that election.

Mr. KASTEN. I thank the Senator. He said if there were an emergency between now and then, he would not oppose the emergency drawdown.

Mr. KENNEDY. Up to the time of the election. That is my position. That is why in an amendment which I will offer I authorize and appropriate moneys between now and the election. That is my position. The U.S. Congress and the American people ought not to commit to future aid levels until after we know the outcome of that election.

Mr. MELCHER. Might I answer the question posed by the Senator from Wisconsin?

Mr. KASTEN. I yield to the Senator from Montana for a brief answer.

Mr. MELCHER. I will make it very brief. If the President chooses out of his descretionary funds, the funds you mentioned first, which I believe total $75 million, and if he wants to tell the American people that he sees such an imminent threat in El Salvador and he needs additional arms down there in the next 90 days, and we better quit talking about getting them down there next week or prior to the election coming up in a month, if he thinks that there is that great a threat that he has to have them right away and wants to get them down there within 90 days, I am not going to criticize him using a lot of those funds. I disagree with him and will tell him it is bad policy. But they are his discretionary funds and he is to use them as he pleases.

Mr. KASTEN. I thank the Senators. I hope we are able to proceed now that the debate has begun, but if this is delayed over a long period of time, I think the administration might once more find itself in the position of having to consider using those emergency drawdowns. Mr. President, I yield to the Senator from Hawaii such time as he may require.

Mr. INOUYE. Mr. President, this debate on Central America is long overdue. As one Member of this body, I am happy that it is finally happening because El Salvador did not become a problem only yesterday or today. It has been with us for decades.

Nicaragua did not happen just yesterday or, for that matter, this past weekend. It has been with us for decades.

Fidel Castro is not a problem that just occurred a few years ago. The birth of Castroism was a logical consequence of Batista's misrule.

As a Member of this body, I have tried my best with my small and insignificant voice to alert my friends here that we were leading ourselves down a path of destruction.

I have given many speeches here suggesting that we served as the midwife in the birth of Castroism. We knew the brutality of Fulgencio Batista; we knew of his corruption; we knew of his prisons; yet we closed our eyes. Even if we were unaware that, eventually people would rise up against brutality and dictatorship, we should have expected the creation of a Castro in Cuba.

I would like to remind my colleagues that when we had the debate on aid to Nicaragua, one Senator stood up and said, "Let us not make this mistake again." In the past, we had been guilty of holding up, supporting, and financing the Somoza family. We knew of his corruption. We knew of his brutality. They were not secret. But, in the past, in the name of anticommunism we said, "Let's give him all he wants."

Finally, when it came time for us to consider participation in covert activities, my colleagues will recall, I stood in the well because it was supposed to be important enough for discussion in the well. I said, "Let us not compound this problem by getting in further."

Mr. President, as one of my last acts as chairman of the Foreign Operations Subcommittee, I turned down a request of former President Carter for military assistance to El Salvador. Under the authority of the reprograming provision in the Foreign Assistance Act he had requested $5.7 million for military equipment for El Salvador. My colleagues may have forgotten

this. At that time, I said as chairman I would suggest its approval if the administration would assure us that the moneys would not be spent to puchase lethal weapons.

Oh, that was ancient history. It was a long time ago. I am pleased to say that the subcommittee went along. I think the record will show that this was the first time conditionality was brought into our assistance programs in Central America.

Having opposed our military involvement in that part of the world for a long time, the question has been asked, and I think rather validly, why am I now suggesting this so-called compromise? Mr. President, over the years, all of us here have participated in creating a military monster there. If we should decide at this moment to stop all aid, that would also end all restraints on the hotheads in that part of the world. What will happen then will be a bloodbath. The death squad activities will, once again, flourish; the military leaders will decide that if the United States is going to wash its hands, what have they got to lose?

Mr. President, what I have been trying to do is to provide a minimum which I hope will keep the military in check while democracy is given an opportunity. An election has just been held in El Salvador. I was not there to monitor the election, but my colleagues tell me that it was something to behold. It may be the last opportunity we have there for some semblance of democracy to rise up. If we are to give that semblance of hope a chance to flourish, then some little amount must be given to keep that hope alive.

I hope that in this debate, we shall have sufficient time for all of us to look back in history and learn a few lessons. Just a few months ago, I tried my best to suggest that the invasion of Grenada was not only in violation of our Constitution, it was also a violation of the War Powers Act, and I also suggested that we may be planting a seed of tragedy there. Mr. President, you will recall that one of the arguments made for our invasion was that here was a major airport development, which the Grenadian Government at that time said was for its tourist industry. But our President said no, it was not for the tourist industry, it was part of the military buildup in that part of the world.

Now we are there. The Cubans are out; we are in charge. We are now proposing millions of dollars to build up this airport and we are proclaiming to the world that it will not be for military purposes, it will be for tourism in Grenada. We are going to be appropriating moneys to shore up the government there and to build up a small military. I do not know why the Grenadians need a military, but we will be providing $40 million out of the Lebanon account to build this airport and additional requests will be coming in for security assistance.

If we do not want an El Salvador in the future in Grenada, let us nip the bud right here. There is no reason or requirement for military assistance to Grenada.

Mr. President, we have spent millions in El Salvador, and all of us—no one can say he stood up alone—all of us supported it. But a few of us, sensing the problems which lie ahead, tried to add conditionality. We tried to limit U.S. involvement and to encourage reform. All of these conditions came from the subcommittee of Mr. KASTEN—the 55 limitation on trainees and advisers, the limitation on the use of funds for nonlethal weapons, the reservation of $19 million until a verdict was handed down in the trial of those accused of the murder of four American churchwomen. The Senator's subcommittee has been working, and a few days ago, in the Appropriations Committee, I made an attempt, a very serious attempt, to hold up the consideration of this urgent supplemental for El Salvador until the election process was completed. As you know, Mr. President, I was voted down 16 to 13. I concluded that if the question put to this body was the appropriation of $93 million in military assistance or zero, the $93 million request would prevail. I hope that this so-called compromise will prevail, because at least we shall cut down the level of funding and the level of violence.

Mr. President, I am told that the election in El Salvador was successful. Let us give that election a chance to succeed completely. I am convinced that if this amendment prevails and if it succeeds in the House and becomes the law of the land the election process in El Salvador will be threatened. Sadly, I must say to the Members of this body that the reduction proposed in this amendment would result either in a coup d'etat or the reactivation of the death squads or another bloodbath. History tells us that the military in El Salvador was let loose in 1932—oh, that is a long, long time ago, Mr. President. In 1932, in that bloodbath, 30,000 peasants were slaughtered. I do not want that on my conscience.

I think my amendment, the so-called compromise amendment, will give that little spark of democracy some hope of flourishing. So I hope my colleagues will vote down the amendment proposed by the Senator from Montana.

Mr. KASTEN. Mr. President, how much time remains on the Melcher amendment?

The PRESIDING OFFICER. Thirty minutes and 15 seconds for the Senator from Montana; 11 minutes and 38 seconds for the Senator from Wisconsin.

Mr. KASTEN. Mr. President, if I might have the attention of the Senate, I see no more Senators who at this time want to further debate the Melcher amendment——

Mr. MELCHER addressed the Chair.

Mr. KASTEN. I would be happy to yield to the Senator.

Mr. MELCHER. I do want to inform the floor manager of the bill that I do have some remarks to make. They will not take very long. Then we can enter into what I suspect is an agreement that we both would probably like to have.

Mr. KASTEN. I then suggest, after the Senator from Montana makes his concluding remarks, that we yield back all but a small portion of the time, maybe 5 or 10 minutes on each side, on the Melcher amendment, and proceed to a Kennedy amendment that I expect to be offered. That Kennedy amendment is listed on our unanimous-consent request as an amendment in the first degree, but amendments on that unanimous-consent list may be offered as amendments in the second degree. The time limit for the amendments on this list, whether they be first-degree amendments or second-degree amendments, remains the same. So the Senator from Massachusetts, Mr. President, does not by offering this amendment as a second-degree amendment waive his time.

It is then my understanding we would debate the Kennedy amendment for whatever time is necessary. It is also my further understanding we would then try to set that amendment aside because there are a number of Senators on either side who will be present within the next couple of hours who may wish to speak, and we will try to set at least two votes between 6 and 6:30. Then we could possibly proceed to a third amendment which the Senator from Massachusetts having to do with displaced persons in El Salvador. Possibly we could debate that amendment and proceed with it. That amendment may or may not take a recorded vote, but I think we will wait to see how that develops.

That is the overall plan on which I hope we can move forward. I am not putting this in terms of a unanimous-consent request at this time.

I am happy, Mr. President, to yield the floor.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the senior Senator from Hawaii, with his usual eloquence, which I very much admire, has said the problems in Central America and El Salvador have not originated overnight; that they are long standing and that they beg for an adequate discussion on the Senate floor and hopefully for a better policy for Central America.

But my amendment, of course, will not let loose a bloodbath. My amend-

ment will not contribute to that. However, the makings of a bloodbath have been in El Salvador, as they have been in Guatemala, as they have been in other Central American countries for longer than my lifetime.

Mr. President, when we talk so blithely—whether it is lucid or not I am not sure—about the scores of millions of dollars that are available for El Salvador at this time and about the hundreds of millions of dollars recommended by President Reagan to be expended in El Salvador over the next 1½ years, we should take note that a blithe discussion on this Senate floor, in this town of Washington, D.C., in the United States does have a great deal to do with the attitudes and what the outcome will be in El Salvador and how it fits into a Central American policy for the United States. We should have a Central American policy for justice, what we expound here in the United States, and that is agreed to as being progressive and right by our other neighbors of Central America as well as South America.

We have spent a little time talking about what funds are already appropriated and available. It is absolutely incorrect to assume that somehow those are not vast sums of money for a very tiny country.

Those are vast sums of money. The $19 million that is still available in military aid, already appropriated but cannot be expended until the outcome of the trial for the slain nuns has been determined, is a big amount of money for El Salvador, for their army, for the insurgents, for both of them. The $95 million in economic security funds which is available for airstrips, for buildings that can be used by the military as well as road construction, as well as all of those things that go into a military operation, is a vast amount of money for El Salvador. It is a very small country. You can lose it in the State of Montana. You have to hunt for it in its entirety. There are 4 million people down there, which is not a great number of people. That $95 million, aside from being available for all of those purposes, can be used to free money in the El Salvador budget for arms purchases, from us or from somebody else. That is what economic support funds are available for.

The Senator from Wisconsin could not find the $14 million that I included in my amendment for food aid as part of the President's request but, indeed, it is in the President's overall supplemental request for 1984. Of the money already appropriated and left unspent for El Salvador, the smallest amount is $5 million for food. And so recognizing that the President in his January budget request, specifically in the supplemental request recommended $14 million for food aid, I include that. I include the $13.5 million specifically for medical aid, which is a little over a million dollars more than what was earmarked for medical aid in the Inouye amendment.

In addition to all of that, I ask for another $8 million which would be available for military aid. I wonder, since all of these funds are still available, whether even that $8 million for more military aid is needed. Out of deference to all the Senators and all the people in the administration and to the Government of El Salvador, I have it in there. So there is plenty of money for them. All we are enunciating is a shift in policy; that we already have so many funds available for a very small country, for armaments and for other purposes that we are not going to go whole hog and give them every so-called compromise dollar that President Reagan is recommending.

My colleagues who were down there Sunday before last as observers for the election have come back impressed with the sincerity of the Salvadoran people. They say they can read in their faces and they hear from their very lips the Salvadoran hope that the election process will lead to some stability and peace for their government. Who would deny them that hope?

No; I would not deny them that hope. I would hope to contribute to their hopes. As a Senator, I would hope to aid their hopes for peaceful settlement of their disputes and an opportunity to advance their personal lives and the lives of their families.

But democracy does not feed nor live on armaments. In this case, we are thwarting the opportunity for democracy in that country by simple mathematics.

If you can believe all the rhetoric over the past 4 years in justifying the appropriation bills for El Salvador, particularly those comments made by this administration, justifying urgent, special, emergency, military aid for El Salvador in the supplemental bills, if it is possible to believe those comments, then all that stands in the way of democracy and opportunity for the people of El Salvador are 10,000 insurgents.

If, by some stretch of the imagination, you can believe that by appropriating dollars out of the Treasury of the United States to kill those insurgents—in what year are they all going to be killed? How many times do we have to divide 10,000 into $200 million, into $300 million, into $400 million, into $500 million, from the U.S. Treasury, to accomplish that goal? How many times do we have to divide that to see how much should be appropriated each year to eliminate each and every one of those 10,000 insurgents? That is a gruesome thought, but, in effect, it is the argument that is consistently made to appropriate these funds—to eliminate the insurgents.

First, in 1981, it was $10 million appropriated. It came down to $1,000 per guerrilla. Then it jumped up to $10,000 in last year's appropriation—not the current fiscal year, but last year. Now, if we take everything the President has asked for it is about $30,000 per insurgent. Between now and the end of October, we might as well look at what he is asking for the balance of this year and into next year, and it is $700 million. So that would be $70,000 per insurgent.

Bloodbath, indeed. Armaments flow from the United States to arm the Army of El Salvador, to be captured in skirmishes by the insurgents to arm themselves, and so we supply both sides.

Mr. President, that is contrary to the Monroe Doctrine, because the Monroe Doctrine instructed us to stop military intervention from outside the hemisphere from upsetting countries within this hemisphere. That intervention could be properly addressed in methods I referred to in my earlier comments that would be consistent with the Monroe Doctrine. Our arms shipments to El Salvador are contrary to the Rio Treaty and contrary to the views of the Organization of American States, and contrary to the views of our friends in Central America.

Mr. President, I am going to rest my case on my amendment at this point, and I welcome the unanimous-consent request that will be made by the manager of the bill, my friend from Wisconsin.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from Wisconsin.

Mr. KASTEN. First, Mr. President, I hope the Melcher amendment will be defeated. I think it is important to recognize that it is a reduction in the military assistance, which I believe would put the future of the elections in great jeopardy and would also put the future of El Salvador and our policy in Central America in great jeopardy. I am confident that the Senate will reject the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Soldiering," by Mr. Fred Reed, talking about the shortages plaguing the Salvadoran Army.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLDIERING

(By Fred Reed)

SHORTAGES PLAGUE SALVADOR'S ARMY

SAN FRANCISCO GOTERA, EL SALVADOR.—For three days I have been a guest of the Morazan Battalion, headquartered in this low, poor, pastel, and dirty city. With me are an American doctor and another American, an authority on military small arms. We have been depressed by the Salvadoran Army. Regarding which:

1. It is badly equipped. Its rifles and machines guns—M16s, G-3s, and M60s—are worn out, used up. The soldiers say they

have never even *seen* cleaning gear. There are no spare parts, as for example bolts and barrels, and no armorers to repair broken weapons. We found troops using arctic-grade gun-oil, which was all they had. El Salvador is not in the arctic. Infantry weapons are easy to maintain, up to a point. Then you need knowledge and tools. For example, an untrained soldier cannot strip the bolt of a .50 caliber machine gun. The troops here tried, reassembled it incorrectly, and destroyed it when they fired it. Even an armorer needs all sorts of esoterica such as go-no-go gauges, barrel wrenches, stones, and expertise. If you don't have them, guns slowly become useless.

2. Their medical situation is criminal. They have almost no trained medics. The "medics" they have go into combat with a few field dressings, some penicillin, and maybe a bottle of glucose solution. The latter, my doctor friend growls, is almost useless as a blood replacement. A Salvadoran told us they had saline solution, but for some reason didn't use it. They are no medevac helicopters. The army has only 20 choppers, only some of which will work at a given time. They are used primarily for moving troops and cargo, and for medical purposes only when otherwise idle. This means that badly wounded men can wait six or eight hours before reaching care. They can't be treated in the field because no one knows how to do it. Often the wounded come out in trucks—bleeding, unsplinted, and alone, because there are no medics to ride with them. The level of medical ignorance is very high, and so is the death rate. A friend of mine tells of flying behind the lead chopper on a medevac run and noticing oil leaking along the side of the lead bird. It wasn't oil. A wounded man had a severed femoral artery and the door-gunner didn't know how to tie him off. He died. So goes this little war.

3. They need radios. We saw a few, but not nearly enough. A counter-guerrilla war involves patrols by small units, and close cooperation with mobile troops, as for example heliborne reaction forces. This is wild country. Without radios—lots of them—any soldiers you can't see might as well not exist. When a radio breaks, they can't fix it, and they can't quickly get anyone else to do it. It's a lonely feeling to be guarding a bridge or road out in the hot overgrown hill country, 20 feet from bushes you can't see through, with no way to call for help.

4. I saw no sign that people hereabouts are afraid of the army. Some of the police here have an evil reputation, very evil, but the army is a different entity. In regions I visited, the populace showed no sign of alarm or even particular interest when the army appeared.

5. Training is lousy. Although I am told by friends who should know that it is improving. More on this next week.

6. To editorialize a bit, it looks as though the United States is doing just enough to get these people in deep trouble, but not enough to get them out, I'm afraid we will give them enough to keep them afloat while the war gets nice and vicious and big. Then we will pull the plug, as in Cambodia, and a bloodbath will follow.

Maybe we should not play half-seriously at war. Half-seriouly at wars abroad entails responsibilities.

Mr. KASTEN. Mr. President, how much time remains on the Melcher amendment?

The PRESIDING OFFICER. The Senator from Montana has 17 minutes and 41 seconds. The Senator from Wisconsin has 8 minutes and 16 seconds.

Mr. KASTEN. Mr. President, I ask unanimous consent that the Melcher amendment be temporarily laid aside, and that a vote occur on the Melcher amendment immediately following the vote on the Kennedy amendment, and that the vote on the Kennedy amendment occur at 6:15 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KASTEN. Mr. President, I now suggest to the Senator from Montana that we yield back all but a small part of our time, the Senator suggested between 5 and 10 minutes for debate. I say to the Senator that I have received requests from a number of Senators who are very anxious to leave the Chamber as close to the dinner hour as possible tonight, and we are seeing pressure to delay the votes and to have our recess time as early as possible tonight.

So I hope we could yield back all our time except for 5 minutes for the Senator from Montana and 5 minutes for the Senator from Wisconsin. That debate would occur immediately following the Kennedy amendment and preceding the vote on the Melcher amendment.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. KASTEN. I yield.

Mr. MELCHER. I believe that 5 minutes on each side will probably be adequate, but, just for protection, I suggest 7 minutes.

Mr. KASTEN. Mr. President, I yield back all my time except for 7 minutes.

Mr. MELCHER. Mr. President, under the unanimous-consent request, do I correctly understand that we will proceed on the Kennedy amendment or have time on the bill until 6:15?

The PRESIDING OFFICER. The Senator is correct.

Mr. MELCHER. I make a further inquiry: If I yield back all my time on my amendment, except for about 7 minutes, I will be able to utilize that 7 minutes after the vote on the Kennedy amendment and just prior to the vote on my amendment?

The PRESIDING OFFICER. That is not according to the unanimous-consent request.

Mr. KASTEN. Mr. President, I ask unanimous consent that I yield back all my time, except 7 minutes, and that the Senator from Montana yield back all his time, except 7 minutes; that the debate on the Melcher amendment, 7 minutes on each side, occur immediately preceding the vote on the Melcher amendment and immediately following the vote on the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, on that basis, I do yield back my time.

Mr. KENNEDY. Mr. President, reserving the right to object—and I have no intention of objecting—I should like the attention of the Senator from Montana.

I hope we will have a good debate on my amendment. Some of the points have been covered in the discussion by Senator MELCHER.

I have another amendment, dealing with displaced persons in El Salvador, if we are able to complete the discussion on this amendment. I have no objection to proceeding to that, if there is time prior to the 6:15 rollcall vote.

I just heard the Senator from Montana indicate he understood there would be no other matters considered during that period of time.

I wish to indicate to the floor manager that I have no objection to proceeding to that if we complete the discussion of my amendment at that time.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. KENNEDY. I ask the Senator from Montana whether he finds that would be inconsistent with his understanding.

Mr. MELCHER. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield.

Mr. MELCHER. I do not find that inconsistent, if we are talking about a vote to occur at 6:15 p.m. on the Kennedy amendment, the first Kennedy amendment offered, and then that would be followed immediately by 14 minutes equally divided between the Senator from Wisconsin and myself just prior to the next vote, in other words, the second vote, which is my amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. STEVENS. Mr. President, reserving the right to object, at what time does the first vote start?

Mr. INOUYE. 6:15 p.m.

Mr. STEVENS. So that is 20 minutes. Is there time before that for debate?

Mr. KENNEDY. No. We debate that now, part of that prior to the time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. STEVENS. I am trying to figure out the time sequence there.

Mr. KASTEN. Mr. President, I say to the Senator from Alaska that I am not sure who had the floor——

Mr. STEVENS. I reserved the right to object.

Mr. KASTEN. If the Senator will yield to me to answer the question, the vote on the first amendment will occur at 6:15.

Mr. STEVENS. Yes.

Mr. KASTEN. That vote will take 15 minutes. So at 6:30 p.m. we will begin the limited debate on the Melcher

amendment, and at 6:45 p.m. the vote on the Melcher amendment will occur, and that will be, it is anticipated, a 15-minute rollcall vote.

Mr. STEVENS. Is it the intention of the manager of the bill to stack other votes for this evening?

Mr. KASTEN. It is my intention to not stack other votes this evening. I am not sure we could get to other votes because we will have a debate on the Kennedy amendment now, and then it is anticipated that we will have a debate on a second Kennedy amendment having to do with assistance to displaced persons in El Salvador, and at this time a record vote on that question is not anticipated.

So it would be my best judgment, although I cannot guarantee the Senator from Alaska, that we would have two votes this evening, one would be occurring at roughly 6:15 p.m., and one would be occurring roughly at 6:45 p.m.

Mr. STEVENS. I thank the Senator for his patience.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2877

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 2877.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 6, delete the figure "$61,750,000" and substitute in lieu thereof "$21,000,000."

Mr. KENNEDY. Mr. President, this amendment is identical to amendment No. 2835, but it has been redrafted to accord with the earlier actions by the Senate when it accepted the Inouye amendment last week.

Mr. President, it is my understanding there is a 2-hour time limitation, 2 hours to be equally divided on each side. Of that time, 1 hour is to be controlled by myself and 1 hour by the Senator from Wisconsin.

Am I correct?

Mr. KASTEN. Mr. President, if the Senator will yield, I wish to point out to the Senate that I believe the Senator's interpretation is correct, and if we go back to page 2 of the unanimous-consent agreement, the Senator, in my opinion, is offering the first amendment listed as the Kennedy amendment restricting aid to El Salvador on which there shall be 2 hours equally divided. That is the amendment that is now being put forward, and it is my understanding there will be a 2-hour time limit equally divided.

The PRESIDING OFFICER. The Chair is of the same opinion.

Mr. KENNEDY. I thank the Chair and the Senator from Wisconsin.

Mr. President, today we begin a debate on whether additional military assistance should be provided to the Government of El Salvador. If we agree that the United States should, in fact, continue to provide such assistance, the further question is: What is the appropriate amount of military assistance that the United States should vote for today?

Let me begin by quoting from a letter sent by Archbishop Oscar Romero to President Jimmy Carter on February 17, 1980, 5 weeks before the Archbishop was assassinated while he was saying mass.

He wrote:

As a Salvadoran and as Archbishop of San Salvador, I have the obligation of seeing to it that faith and justice reign in my country. Therefore, assuming you truly want to defend human rights, I ask that you do two things:

Prohibit all military assistance to the Salvadoran Government.

Guarantee that your government will not intervene directly or indirectly, by means of military, economic, diplomatic or other pressures, to influence the direction of the destiny of the Salvadoran people.

The Archbishop went on to say:

It would be totally wrong and deplorable if the Salvadoran people were to be frustrated, repressed, or in any way impeded from deciding for itself the economic and political future of our country by intervention on the part of a foreign power . . . I hope that your religious sentiments and your desire for the defense of human rights will move you to accept my petition and thereby avoid intensifying the bloodshed in this tormented country.

That was where Archbishop Romero stood on the eve of his murder in the winter of 1980.

What has happened since that time?

In his budget, President Carter provided $10 million in military assistance to El Salvador, and President Reagan added another $25 million after his election, for a total of $35 million in military assistance for fiscal year 1981.

The next year, the United States provided an additional $81 million in military assistance to El Salvador, more than doubling the amount from the previous year.

And in the years since then, the United States provided another $81.3 million in military aid, and then an additional $64.8 million.

Since Archbishop Romero's appeal in 1980 to halt all further military assistance, the United States has appropriated a total of $262.1 million for military assistance for El Salvador and we have sent over $1.1 billion in military and economic assistance since 1981.

As we begin this debate, and as we reflect back on Archbishop Romero's request of President Carter in 1980, it seems only fair to ask: What have we accomplished with the military assistance that has been provided in the past? What is it that we hope to accomplish with the military assistance that we are being asked to provide for the future?

In 1980, there were approximately 2,000 guerrillas active and under arms in the Salvadoran countryside. Today, according to the Kissinger Commission report, there are an estimated 6,000 frontline guerrillas and a slightly larger number organized in militia and support units. But these latter forces have been increasingly well armed and involved in operations with the frontline forces. The insurgents can now put perhaps as many as 12,000 trained and armed fighters in the field. Since 1980, the guerrilla forces have increased six times.

What has been done with the weapons that we have sent to El Salvador?

Last month, Under Secretary of Defense Ikle reported to Congress that the guerrillas are securing—one way or another—as much as 50 percent of their weaponry from supplies sent to El Salvador by the United States. On Sunday, the Secretary of State belittled that report, saying that it was based on figures from only one region of the country and did not reflect the situation throughout El Salvador. He was obviously distressed at Mr. Ikle's admission. How convenient that he suddenly discovered this distinction. Yet, there can be no doubt that our military assistance goes in substantial amounts to the guerrillas as well as to the Salvadoran Army. In this war, we are supplying the guns for both sides.

What is the military situation in El Salvador?

According to the Kissinger Commission report:

In the absence of significant Salvadoran military forces, armed guerrillas operate at will throughout the countryside. They have established the rudiments of a civil administration and have enforced a tax regime in areas under their control. Increasingly, they are able to mass their forces and overwhelm isolated garrisons or ambush relief columns.

Journalists estimate that the guerrillas control between 20 and 30 percent of the countryside. In an interview in December 1983 with the acting commander of the Atlantic Brigade, he stated that the guerrillas control between 30 and 40 percent of the countryside.

What is the objective of our policy in El Salvador? Do we seek a military victory or are we working toward a negotiated peace?

According to the Salvadoran Ambassador to the United States, there can be no negotiations with the opposition. He said:

Let Villalobos go to Arafat. In El Salvador he would have to be prosecuted, he's a war criminal. If he turned himself in, sure as

hell he would have to be convicted. This is true for all of the guerrilla commanders . . . Ungo, Lamora and other FDR leaders are as much guerrillas as Villalobos and the others, by their choice. They would probably get the death penalty.

Despite an occasional gesture toward peace, the present Salvadoran Government seems committed only to the peace of military victory.

And the Kissinger commission reaches the same conclusion—that the path toward peace requires more war—and a successful military strategy. As the commission reported:

There might be an argument for doing nothing to help the Government of El Salvador. There might be an argument for doing a great deal more. There is, however, no logical argument for giving some aid but not enough. The worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully.

Mr. President, that is precisely the kind of argument that kept us in Vietnam. That is precisely the kind of argument that cost this Nation during the Kissinger years 35,000 lives in the jungles and swamps of Southeast Asia. That is precisely the kind of argument that will lead to increased violence and more bloodshed in El Salvador. That is precisely the kind of argument that will bring United States troops into the conflict in El Salvador.

What are we being asked to do today, and what are the Reagan administration's plans for the future?

Today we are being asked to give our approval for an additional $61.7 million in military assistance, the first installment of the administration's overall supplemental request for fiscal year 1984 of $178.7 million. If this $178.7 million is approved by Congress, it would mean a total of $243.5 million in additional military assistance for this year alone. This is more than three times the amount that was appropriated by Congress for last year. And we are told that the administration plans to request an additional $132.5 million in military assistance for next year.

In El Salvador, by escalating the military aid, we are escalating the stakes and escalating the conflict and escalating the casualties. But that is not all we are doing. We are pursuing a policy in El Salvador that ultimately can only succeed with the use of U.S. combat troops—which would represent the greatest failure our policy could bring.

I do not agree—and I do not think that the American people agree—that we must provide the Salvadoran military whatever it wants "to wage (this war) successfully," as the Kissinger commission recommends.

Sending more and more military assistance is not the only answer; there is a logical argument for reducing our reliance on war as the path toward peace in El Salvador. There is a logical argument for telling the Salvadoran military that it does not have a blank check from the people of the United States.

What ever happened to diplomacy?

This administration seems to think that the answer to every tough problem in the world is more guns, more bullets, more soldiers. This administration cannot point to a single major successful diplomatic initiative since it came into office. Instead, it has demonstrated an instinctive, knee-jerk preference for armed force as the means of attaining our foreign policy objectives.

I respectively submit that armed force should be the course of last resort, that pulling the trigger, or dropping the bomb, or calling in the marines should not come first, it should come last.

There is a blindness that seems to afflict our policymakers here in Washington almost as much as it has distored the politics of El Salvador. That blindness is the assumption that if someone is working to help the poor, is tending to the ill, is bringing food to the hungry, and is seeking social justice and political reform, then that person is, for some reason, a Soviet surrogate and must be stopped at all costs.

That is the way to transform peace-loving men and women into violent revolutionaries. As President Kennedy said, "If we make peaceful change impossible, we make violent revolution inevitable."

Let me return to the example of Archbishop Romero. He was not a Communist. He was not a Soviet surrogate. He was a devout Catholic who dreamed of peace and social justice in El Salvador. On February 2, 1980, he said, "the world that the church must serve is the world of the poor * * *." Did they kill Archbishop Romero because he cared for the poor?

He said, "it is the poor who force us to understand what is really taking place * * * the persecution of the church is a result of defending the poor." Did they kill Archbishop Romero because he defended the poor?

He said, "there are those who fill their houses with violence, fill their houses with what they have stolen. There are those who crush the poor * * * while lying on beds of the most exquisite marble. There are those who take over house after house, field after field, until they own the territory and are the only ones in it." Did they kill Archbishop Romero because he looked at the privileged and spoke out against their injustice?

He said, "how evil this system must be to pit the poor against the poor; the peasant in the army uniform against the worker peasant." Did they kill Archbishop Romero because he was against the war in El Salvador?

On the eve of his murder he said, "As a shepherd I am obliged by divine law to give my life for those I love, for the entire Salvadoran people, including those Salvadorans who threaten to assassinate me. If they should go so far as to carry out their threats, I want you to know that I now offer my blood to God for justice and for the resurrection of El Salvador."

In the name of God, why was this man killed? Who gained from this man's death? Who ordered this man's murder?

There is an answer to these questions. Former Ambassador Robert White has testified that, when he was Ambassdor, he had evidence implicating Roberto d'Aubuisson in the murder of Archbishop Romero. And more recently, a Salvadoran who served as head of military intelligence in 1980 and 1981, Col. Roberto Santivanez, stated that he has personal knowledge of the participation of Roberto d'Aubuisson in the killing of Archbishop Romero. According to Santivanez, it was D'Aubuisson who ordered the murder of the archbishop in a meeting with Salvadoran exiles in Guatemala; it was D'Aubuisson who organized the death squad; it was D'Aubuisson's men who followed the archbishop to learn his habits; and it was D'Aubuisson who personally selected the four men who actually carried out the killing.

I do not think that the people of the United States want to send millions of dollars in military assistance to a government run by Roberto d'Aubuisson.

On Sunday, Secretary of State Shultz stated that he thought we should support the Government of El Salvador no matter who is elected President. I say "No" to that—and so should the Senate.

On Sunday, Secretary of State Shultz said that we should send more guns, more bullets, more military assistance to El Salvador even if the President of El Salvador is Roberto d'Aubuisson. I say "No" to that—and so should the Senate.

Let us ask ourselves today, what is the path toward peace and justice in El Salvador? How can we help to achieve the resurrection of El Salvador? I do not believe that this can be accomplished by guaranteeing millions of dollars of military assistance even if Roberto d'Aubuisson is elected President.

The United States is a great nation, and it is also a powerful nation. But above all, it is a decent nation, and the people of the United States are a decent people. We can be proud of our history, and of our traditions, and of our founding principles. We should take pride in pursuing peace where there is war, in seeking justice where there is injustice, in bringing hope to those who are helpless. Let us not turn

our backs on the very ideals that have made the United States of America special—special throughout history and special today in the hearts of men and women throughout the world.

We in the U.S. Senate have an obligation to protect, preserve, and defend the ideals and principles that are as ancient as the Scriptures and as clear as our own Constitution.

We must not pursue a path that is unworthy of our heritage. We must not vote today to send guns and bullets to support a man who would desecrate the ideals of Thomas Jefferson and Abraham Lincoln.

I am not saying that we should halt all military assistance to El Salvador forthwith. I am saying that we should not give a blank check for dictatorship, death squads, and repression.

We are faced today with a request for $61.75 million in additional military assistance to the Government of El Salvador. That sum of money is intended to last the Government for 6 months—until October of this year.

If we vote our approval for that level of funding today, we are giving the new Government of El Salvador—to be inaugurated in June—$40 million in military assistance from June through September without knowing who will be running that new Government.

Let us provide the aid that is needed only for between now and the month following the runoff elections. Let us appropriate today only $21 million. Before voting to appropriate more, let us wait and see who is the next President of El Salvador.

Let us take the advice of one of the leaders of the U.S. Senate, who recently wrote of this tragedy in Central America.

He said:

> I fear that America is stumbling blindly toward the abyss . . . I am gravely concerned that, if we follow the course charted by the Reagan administration, the United States will be caught up in the maelstrom of violence.

Senator DANIEL INOUYE went on to say:

> The tragedy which awaits us, unless we exercise the courage and wisdom to avert it, is that the forces of our democracy will be employed in the service of tyranny and repression.

If we appropriate this entire $61.75 million today, Senator INOUYE's prophecy may become fact. For if Roberto D'Aubuisson is elected President of El Salvador in May, we will be giving him $40 million in military assistance to use as he sees fit.

I know there are those who say: This is the President's problem; let us leave him with it and with the political difficulties it may bring. But I heard similar arguments during Lebanon, and earlier during the Vietnam conflict. This is America's problem; it is the Senate's problem; and neither history nor the voters will let us wash our hands of the responsibility.

For too many years, we have been told we must rely on military solutions—or we will lose. In fear of being blamed, too many among us have listened and so we have followed the military path. We have sought a military solution—and time after time, we have lost.

This time, let us try the course of negotiation, of peaceful settlement, or progress instead of repression. If we do, I believe that at long last we can win a victory—for people as well as for peace; for our principles and for the belief that American, and surely not the Soviet Union, truly is "the last, best hope" of the oppressed of the Earth and of all those who yearn to be free.

Mr. President, there is one other item before us—the compromise proposal of $61.75 million. I take not that there is no provision in that particular proposal to fence off any of the money, as was the judgment of this body last year pending the outcome of the trial of those charged with the murder of four American churchwomen. There are amendments which will be proposed by my colleague and good friend, the Senator from Connecticut, Senator DODD, on this fencing issue. I understand also that there was an amendment introduced by Senator SPECTER on this issue last week. But the Senate has not addressed that issue at this time.

It seems to me that the votes that we are going to have this afternoon for a reduced amount certainly should be much more consistent for those that are very much concerned with the failure of the system of justice in El Salvador. That system has failed to punish the killers of the four American churchwomen and the American labor advisers.

The amendment I propose will give us an opportunity to review both the outcome of the election, which will be held on the last Sunday in April, or the first Sunday in May, since this appropriation would carry us through until the end of May. It also would give us an opportunity to review what action, if any, will actually have been taken by the Salvadoran Government in April on the trial of those charged in the murder of the four American churchwomen. Also, we will have more information about the prosecution of those who committed the crimes against the labor advisers.

I will be glad to yield for any response that the Senator from Wisconsin, or others, would like to make. Otherwise, I will read very briefly an excerpt from a very fine article that was written about the military situation in El Salvador by a very distinguished journalist, Mr. Christopher Dickey. I will include that now.

This analysis states as concisely as could be said the very serious problems of relying upon a military solution to the range of different problems that face El Salvador today.

In his excellent article in the book "Central America: Anatomy of a Conflict," Mr. Dickey makes this point. I will read into the RECORD this portion of this chapter because I think it is enormously relevant to our debate.

> Throughout 1982 and early 1983 the U.S. State Department was at least able to argue that "abuses" by the security forces were decreasing and the "death squads" disappearing. The embassy's regular reports known as "grim grams" cited statistics based on local press accounts and noted, accurately, a general reduction of tension in the capital. U.S. policy was working, U.S. officials said. Its demands on the Salvadorans were understood and were being complied with, they said.
>
> In retrospect it is now apparent that the decline in urban slaughter came about less because of improved command and control than because the left has basically abandoned the capital after January 1981. With few suspects there were fewer killings. Murder in the countryside, meanwhile, was less frequently reported in the local papers and thus did not show up in the "grim gram" statistics. As soon as the left's efforts to renew operations and organizing in the capital became evident in mid-1983, the death squads and the "abuses" began to rise once again. The "process of control" over the armed forces, at least insofar as the slaughter of suspected rebel sympathizers was concerned, proved once again to be a paper promise.
>
> Compounding the political problems raised by the revival of the death squads in the cities, from Washington's viewpoint, was the military dilemma provoked by the Salvadoran army's seeming inability to mount effective campaigns against any force capable of shooting back. At weekly background briefings in the U.S. embassy during 1982 and 1983, top U.S. advisers talked to the press about the ineptness of many Salvadoran commanders, especially those who had proved unable or unwilling to adopt the kind of search and destroy tactics the Pentagon recommended.
>
> The advisers blamed the cliquishness of the Salvadoran officer corps for much of the problem. Men who had known each other since they were in their teens, who were bound by tradition, by compadrazco, in some instances by marriage, tended to cover for each others' abuses or incompetence in any case, and all the more so when the charges were coming from foreigners considered ignorant of Salvadoran realities. As this deeply imbedded cronyism proved virtually impossible for Washington to overcome there was increasing talk in early 1983 about what then-U.S. Ambassador Deane Hinton called "generational change": training virtually an entire new officer corps from the ground up. Salvadoran ninety-day wonders would not only emerge from their training at Fort Benning, Georgia, as better soldiers, they would be transformed overnight, as it were, from Latin American soldiers into North American soldiers.
>
> Not surprisingly, the Salvadorans are remaining Salvadorans. The U.S.-trained second lieutenants and cadets are carefully watched by their superiors to make sure

they conform to the traditions of the Salvadoran, not the United States army.

The most extreme right-wing clique of officers in the army has not only proved impervious to Washington's dictates, it has prospered and become ever more influential. This group, conspicuous for its fascist ideology and peculiarly tight-knit personal relationships, is dominated by Col. Nicolás Carranza and represented most publicly by Constituent Assembly President ex-Major Roberto d'Aubuisson.

This article then continues, Mr. President, by discussing now three prominent military officials, who were extremely close to Mr. D'Aubuisson who were either implicated or allegedly involved with death squads and murderous activity, have been transferred into the diplomatic corps, or went on various training missions. Some went to Chile and others to other parts of the world. After a few months in "exile," they returned to El Salvador. Once again they are now in the front lines of not just the military, but the whole political apparatus. They are again calling the tune in El Salvador.

We are being asked today to support not only those individuals with military aid and assistance, which I think can be argued and debated. We are also being asked to provide a blank check for El Salvador which may elect an individual whose association, identification, career and profession is completely tied to these perpetrators of some of the most gross violations of human rights and killings that we have seen in recent times.

Mr. President, I ask unanimous consent that the remaining part of that particular page and a half of the book be printed in the RECORD at this point.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

Three years ago that group appeared to have been squeezed out of any significant role in the army or the nation's politics. Its senior commanders had been removed from positions of authority by then-Defense Minister Garcia after their ties to the death squads had become embarrassingly public and their ultra-rightist ideology made them too intractable to control.

Since former Guardia Nacional Commander Gen. Carlos Eugenio Vides Casanova took over the defense ministry in April 1983, however, those officers have reemerged with more conspicuous power than they ever had before. A key element in their resurgence has been their adoption of Washington's language even as they ignore its principles. They have embraced the ideal of "professionalism," the latest Pentagon buzzword for a "nonpartisan constabulary." Senior U.S. advisers repeatedly have cited them as examples they wish the rest of the Salvadoran officer corps would follow. Yet these golden boys have a persistent way of becoming grave embarrassments; the very model of a modern lieutenant colonel proves either murderous or mutinous or both.

One of the most conspicuous examples is Lt. Col. Jorge Adalberto Cruz, commander of Morazán province. He was among those officers arrested with D'Aubuisson while plotting a coup against the Christian Democratic junta in May 1980. Papers seized with this group suggested links to the death squads and to the assassination a few weeks earlier of San Salvador's archbishop. Shipped off to the Chilean police academy for two years, Cruz is now back in El Salvador commanding the front-line garrison in San Francisco Gotera. In August 1983 he openly denounced El Salvador's political parties, said flatly that his country is not ready for U.S.-style democracy, and named several other commanders in the region as incompetent. As of December 1983, he was still in command in Gotera.

Lt. Col. Mario Denis Morán was head of the Guardia Nacional intelligence unit in December 1980 when four North American churchwomen were killed by members of that security force. When two U.S. labor advisors and the head of the Salvadoran agrarian reform agency were gunned down in the Sheraton Hotel a few weeks later, Morán was there. Although no conclusive evidence has implicated him in the crime, and he reportedly "passed" a lie-detector test, it is suggestive, certainly, that his personal bodyguard and that of his second-in-command have confessed to being the trigger men. After that, Morán spent two years attached to various Salvadoran embassies in South America before Vides Casanova brought him back to command the garrison at Zacatecoluca—the same town, as it happens, where the alleged killers of the nuns are being tried.

The path to professional redemption for these officers was opened up by one of their old classmates, Lt. Col. Sigifredo Ochoa. As acting head of the notorious Treasury Police in the days immediately following the October coup, Ochoa had been implicated in the politically sensitive murder of a sacristan in one of San Salvador's working-class barrios. He was shipped off to diplomatic exile almost immediately. Then on his return to El Salvador he was given command of the rugged, poor, remote and guerrilla-infested province of Cabañas. In less than a year he had "pacified" his territory and established himself not only as the dominant military force, but the political leader of the province. U.S. Military Group Commander Col. John Waghelstein repeatedly lauded him as the most effective departmental commander in the Salvadoran army. But in January 1983, García, apparently irritated with Ochoa's increasing notoriety, and certainly aware of his close personal connections with D'Aubuisson and the ultra-rightists, ordered Ochoa to give up his command once again and accept de facto exile in Uruguay.

Ochoa's reported response was short and simple as he initiated a six-day mutiny that effectively ended García's authority and eventually led to García's removal, throwing the Salvadoran military into the renewed, relentless series of intrigues that increasingly crippled it through the course of the year.

"Obedezco," said Ochoa, "pero no cumplo."

Mr. MELCHER. Will the Senator yield?

Mr. KENNEDY. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 31 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Montana.

Mr. MELCHER. The Senator has made a statement correctly identifying the amounts of money which have been appropriated since 1980 for military aid to El Salvador.

I wonder if the Senator would also agree that in most years, and perhaps every year, the appropriations for El Salvador in economic support funds are also available for military related purposes and the aid funds have not yet been expended as appropriated for this year?

Mr. KENNEDY. The answer is affirmative. The Senator from Montana made that point early in the debate, and I believe it is worthwhile to be observed again during the consideration of this amendment.

Mr. MELCHER. I thank the Senator because I think the point of running out of money for military purposes simply cannot occur because El Salvador has available to it over $100 million not yet expended but to be expended during the next 6 months and which could be used and probably will be used and expended in the coming 6 months for military related purposes.

Mr. KENNEDY. As I understand the point the Senator has referred to with regard to the economic aid assistance, it is that part of the economic aid assistance is used to pay the salaries of various military personnel in El Salvador. That is one aspect.

I think the Senator is quite correct in raising the question whether the real figure we have been talking about here in the compromise amendment, the figure of $61.7 million, is really the bottom line with regard to military aid.

The Senator is observing that there are parts of the economic assistance program that are directly military related. It may not be the purchase of small arms munitions, but payment of salaries and other expenses. They are absolutely militarily related.

I think the Senator makes a strong point. We are not only looking at this amount of money, $61 million, when we talk about billions in terms of our deficits; though this may not seem like a good deal of money, it is a very substantial amount of money.

As I understand, over 30 percent of the government budget of El Salvador is based on U.S. economic assistance programs.

Mr. KASTEN. Will the Senator yield?

Mr. KENNEDY. I yield for a question.

Mr. KASTEN. I thank the Senator for yielding. I would like to call the attention of the Senator from Massachusetts and the Senator from Montana to the law. As chairman of the subcommittee, it simply is not legally possible for economic funds to be used for military purposes. I do not think either the Senator from Massachusetts or the Senator from Montana is suggesting this.

I would like to call the Senator's attention to the legislation of the Foreign Relations Act, section 502, section (a). It states:

Amounts appropriated to carry out this chapter shall be available for economic programs only and may not be used for military or paramilitary purposes.

Under those conditions, we are appropriating dollars for economic programs and security assistance programs. I do not have any indication—and maybe the Senator knows something I do not know—I have no indication that the administration is in violation or ever has been in violation of that law. If the Senator is suggesting that, I think he should come forward with the specific example of where economic funds are being used for military purposes. I will say to the Senator I will work with him, and I think the Senator from Hawaii would also, to see that that commingling of funds is not occurring, if the Senator is suggesting that it is occurring.

But the law says that economic funds cannot be used for military or paramilitary purposes. That is why we have found ourselves in the position where we need the emergency military assistance.

Mr. KENNEDY. I know the Senator from Montana wants to comment on this. The real question is: What are military purposes? What are the understandings of military purposes? And what is used in terms of economic aid for the payment of salaries of various Government officials which are directly related to the military function, the military operation?

I believe if there is an examination of that, we will see that there is a significant amount of money provided in economic assistance which is related to the military function.

Mr. MELCHER. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Montana.

Mr. MELCHER. I think it is amusing that we quote from the law that did little more than change the title of the fund. It used to be called security assistance fund. During the time of Vietnam or shortly after, in order to down play the amount of military assistance supplied to foreign countries, we simply changed the title. Economic support fund. But the emphasis is still on security. To the extent that they are utilized to build roads, to build airstrips, to build the infrastructure for the military, they are the very basis of military aid.

To the extent that they are used to pay the salaries of the Government worker, no matter what it is, to replace funds from the Salvadoran Government so they can purchase arms or whatever, it is used to help the military. It is just a question of semantics.

It is a question of semantics and who among us is so naive as not to think that the Salvadoran Government, like other governments we supply these funds to, find that their greatest purpose is their army, their military; that is where those funds end up. And they are available; they are unexpended.

The Senator from North Carolina earlier said, "Well, they may be in the pipeline." What does he mean by that? They are there to be spent for whatever purpose the Salvadoran Government chooses to spend them.

Mr. KASTEN. Mr. President, I wish to yield such time as she may desire to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, it has been with interest over the last couple of days that I have heard the issue of El Salvador debated. Two years ago, I headed our delegation to observe elections in El Salvador for members of the national assembly. I was deeply impressed by observing the more than 1 million people voting, often waiting long hours, in some places under gunfire from guerrilla forces.

A week ago Sunday, a group of my colleagues traveled to El Salvador to observe elections for a new president. Again, they found the people of El Salvador patiently waiting in line to cast their ballots. They too, were impressed.

In both of these elections, I believe the people of El Salvador were delivering a powerful message: They want peace for themselves, for their children and for their nation. This desire cuts across all political parties and all ideologies, except for a relatively small group of guerrillas who not only refused to participate in the elections, but sought to impede the elections both times.

Despite such interference, the elections have gone forward and the people of El Salvador have voted with the hope that they may soon have a government that will pursue a genuine, lasting peace.

It is not clear, either there or here, how such a peace can be achieved, but clearly that is what the people of El Salvador want. That is what the people of the United States want also.

We have now reached a critical stage in the current conflict. With the elections last Sunday and the run-off that will be held next month, El Salvador will elect a President to head their Government for the first time since the war began. These elections give El Salvador at least the veneer of democracy. Whether El Salvador will gain the substance of democracy will depend on the person who wins the Presidency there next month, and what that person does after taking office.

I do not envy the winner of next month's runoff election. With the office of the Presidency will come the responsibility and the duty to fulfill the wishes of the people of El Salvador for peace. The new President's success or failure in meeting that mandate could well decide the future of El Salvador.

The key to success or failure will be the new President's plan to achieve peace and the concrete steps he takes, or tries to take, to make his plans a reality. So far, none of the candidates for the Presidency there has outlined any clear plan for peace.

Even so, I believe that any plan for peace in El Salvador must rest on three key steps that are closely tied.

First and foremost, all activity by the so-called death squads must end. This step is absolutely vital to the future of El Salvador. Without an end to such activities, no government—elected or otherwise—will gain full legitimacy with the Salvadoran people. A government that cannot halt murders in the streets, is in fact not a government.

A continuation of death squad activities will undercut support for the Government both in El Salvador and in the United States, as our own President has made clear. It also will continue to strengthen guerrilla forces opposing the Government.

Second, the Salvadoran Army must demonstrate genuine effectiveness in the war against the guerrillas. By most accounts, the army now is losing ground to the guerrillas. In fact, administration officials suggest that without the emergency aid we now are debating, the army may collapse in short order. That indicates the precarious condition of the Salvadoran Army, even after hundreds of millions of dollars in U.S. aid.

Without an effective army, no government can hope to achieve peace either on the battlefield or at the negotiating table.

Third, with the restoration of civil order and the forging of an effective army, the new Salvadoran President must be ready, willing, and able to engage in discussions with guerrilla leaders to determine whether there is any hope for a peaceful solution to the war.

In the 2 years since I visited El Salvador, I have become deeply pessimistic about events there. Even the most intense pressure from the White House and the Congress has produced only slow and tentative progress on human rights. The possibility of peace seems more distant than ever.

In light of such failures, I have come to believe that even the most well intended U.S. policy there may bear little chance of success. Disasters in San Salvador cannot be corrected in Washington, no matter how much money, arms or even troops we commit to the struggle there.

At this point, my pessimism is tempered by only one small hope. That hope—and it is a fragile one—is that

the election of a new president next month may provide a chance for a fresh start for El Salvador. No nation more deserves a fresh start and no nation more desperately needs one. That will happen only if the new president makes it happen.

Given the existence of this small hope, fragile as it may be, it is necessary to support the limited emergency aid of $61 million that has been approved. I do so only as a signal of our support for the people of El Salvador and their desire for peace. The new government must win our support by its own deeds in the coming months. If the new government fails to carry out the mandate of the Salvadoran people, it will not deserve our support.

Mr. President, I wish to say a few words about our covert aid to the rebels now fighting the Sandinista government of Nicaragua. We have in this package a request for a small amount of money to carry us through about 2 more months. It has become, really, a very limited, halting policy. But I believe it is time to phase out and terminate all U.S. aid to the so-called Contras. A failure to terminate this aid will further solidify support for the Sandinistas, both in Nicaragua and in world opinion. It will provide a continuing excuse for the military buildup in Nicaragua and may eventually provide an excuse for even deeper Cuban and Soviet involvement there.

The sole benefit gained from the contras' efforts has been an increased willingness by the Sandinistas to pay lipservice to the idea of regional negotiation. I believe it is time to demand that the Sandinistas match their words with deeds and for us to do the same by engaging in meaningful talks for a regional settlement.

Mr. President, I thank the chairman of the Subcommittee on Appropriations for yielding to me.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Will the distinguished lady yield?

Mrs. KASSEBAUM. I am happy to yield to the Senator from Hawaii.

Mr. INOUYE. I would feel remiss if I just sat by and did not say a word, because of all the hours we have spent in these past many days debating this issue it is finally the last 6 minutes which have, I believe, most concisely and eloquently focused on what we consider to be the real problem; that whether we like it or not we are in trouble there, and we cannot turn tail and run away. To do that would be inviting what some of us have suggested, a horrendous bloodbath. I commend the Senator.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from Hawaii. I salute his efforts in providing leadership to reach this important agreement. I am happy to lend my support to the efforts of both the Senator from Wisconsin and the Senator from Hawaii.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. I, too, thank the Senator from Kansas for her statement in support of the compromise. All of us recognize the difficulties, all of us recognize the problems, but all of us recognize, I believe, the consequences of the failure to act to adopt at last the Inouye compromsie figure. I think anything less would be tragic, not only for the foreign policy of the United States of America but for Central America overall.

I am pleased to yield such time as he may desire to the Senator from Hawaii.

Mr. INOUYE. I thank the Senator very much.

Senator KENNEDY in his usual eloquence has focused upon the possibility of military assistance being provided to Roberto d'Aubuisson and consequently my distinguished colleague has argued that we should wait to see who is elected the President of El Salvador.

Mr. President, I wish to suggest that if we wait until the second round of the election before indicating our support of the electoral process, there may never be a freely elected President of El Salvador. The hotheads in the military may stage a coup d'etat or disrupt the election. Mr. President, I prefer to act now to support the electoral process, to support the recent tentative steps which have been taken toward democracy in El Salvador.

Mr. President, I prefer to act in anticipation that José Napoleon Duarte will be elected President. If he is elected, and the Kennedy amendment is the law of the land, President Duarte's cause would be set back by the interruption of military supplies. What we seek to do today is to keep that supply line open in aniticipation of a favorable outcome to that election.

If we do not act to provide a minimal level of assistance, it will not matter who is elected; the supplies will run out. If, on the other hand, Mr. President, the fears of Senator KENNEDY are realized and Roberto d'Aubuisson is elected President of El Salvador, the flow of supplies can be stopped. We all know that.

So, Mr. President, let us not risk a coup or the end to the electoral process by supporting the Kennedy amendment.

Mr. KENNEDY. I wonder if the Senator from Hawaii will yield?

Mr. INOUYE. I would be very happy to yield.

Mr. KENNEDY. First of all, I think all of us in this body are very much aware of the very special contributions which have been made by the Senator from Hawaii in trying to provide a more sensible and responsible policy toward Central America. I recognize this has been an issue in which the Senator from Hawaii as well as the Senator from Kansas have been enormously involved over a period of time.

I am interested in the logic of the Senator from Hawaii when he states that amendments by those of good faith which would terminate military assistance after the election may open up a bloodbath. My amendment, of course, does not do that. It carries on the funding at the same level as in the amendment of the Senator from Hawaii but only until the end of May so we would have another opportunity then to examine this issue.

I am interested in what is the apparent change of position of the Senator from Hawaii from the Appropriations Committee markup when he opposed the military assistance request and was defeated, to his position at the present time. I heard the earlier explanation and it was one which certainly would satisfy me in terms of logic. That is, the Senator from Hawaii thinks that unless he made this particular compromise of $61 million, there would be sufficient votes in this body to get $92 million. I can understand that, and I can count, too. I understand the attempt to bring about a reduction and would therefore defend that position. But I had thought the Senator from Hawaii, in the Appropriations Committee, had actually opposed additional military aid and assistance pending the outcome of the election.

Mr. INOUYE. If the Senator from Massachusetts had checked the RECORD, he would have noted that my amendment called for the postponement of the consideration of this whole package until after the first round—that was Sunday—on the basis that we would like to know what the possible outcome would be. I had no idea what the outcome would be on Wednesday before the election on Sunday.

Second, before bringing up my proposal, I had made a private inquiry among the members of the Appropriations Committee, and it was very apparent to me that if the issue came down to zero funding or a $93 million appropriation, the $93 million request would have easily prevailed.

My suggestion for a postponement was a test case because I thought it is a simple thing just to postpone the consideration for less than a week. Sixteen Senators—more than a majority of the committee—voted against that proposal.

I am convinced that if left to the Senate to decide whether we cut off military assistance or give the full amount, or in the case of the Senator's amendment give the full amount or $21 million, the full amount would

prevail. My purpose for proposing this so-called compromise—which is a reduction—was in my small way to try to cut down the level of violence.

Mr. President, I tried to suggest earlier, in the past 4 years, with hardly a whimper, this Congress has gone along developing a military monster in El Salvador. The subcommittee has tried in its own way to set up conditions when no one else was interested in conditions. We established, for example, the 55 limitation on advisers. And when President Carter came up with the first $5.6 million reprograming, I suggested the first condition: If you are going to spend this money in El Salvador, it not be used to purchase lethal military equipment; that it be used for trucks and for ambulances. That was approved by the committee.

It has been a long process. We have tried to cut it down, but we have not been successful. Succeeding Congresses have gone along with the administration. This is the first time we have had this debate, and that is why I indicated earlier I felt it was about time because, as I noted in my response to the Kissinger Commission report, if we are not careful, we may be heading for a tragedy in which our American blood may flow in that part of the world. I would want to see that prevented at all costs.

So, much as I find myself, sadly, in the position of supporting appropriations for military assistance, I am doing this because a realistic appraisal indicates that this is the minimal amount which the administration would accept. I could be on the side of the Senator from Massachusetts and voting against all assistance, but I know that we would lose. So I have to face up to the question: What is better? Going down in flaming glory or coming up with something that the administration will accept? Apparently, the administration accepts the $61,750,000 in my amendment, and it has assured us that it will not use the special authority the President has.

As my dear friend from Massachusetts is well aware, the President could use his special authorities, and, if he wished to do so, he could provide $250 million in military assistance to El Salvador without any further approval by the Congress. If we have this opportunity to stop the administration from doing that and to stop the escalation in the level of violence, I think that is the proper step to take. Moreover, I may be mistaken, but I think that the compromise is a level that will be acceptable here.

If I thought that the $21 million would be the level that would prevail here, I would be on the side of the Senator from Massachusetts, without any hesitation.

Mr. KENNEDY. The Senator from Hawaii makes it difficult for me to argue with him or to debate with him this issue. After all, he has been the one in the Appropriations Committee who made the recommendation that we wait for the outcome of the first election. I would like to wait for the outcome of the second runoff. We will then have a clearer idea of the character of the Salvadoran Government.

The Senator from Hawaii points out his belief that with the figure of $61.7 million there will be less killing than there will be under $92.7 million. The Senator has made a very important statement of the reasons he believes that to be so. I certainly agree with him. I further believe that an even more reduced amount would see even less killing.

I ask the Senator from Hawaii this question: He has been closely involved with the development and the escalation of military expenditures in El Salvador for a number of years, going back to the period of the 1980–81 figures. He has seen the $10 million grow to $35 million, and then to $81 million in 1982 and 1983. Now we have seen a threefold increase over 1983 in the request by this administration for military assistance, in its total request for some $243 million, for fiscal year 1984.

Could the Senator from Hawaii share with us his impression of the possible justification for that increase? Does he think it is because there has been a deterioration in the military conditions in El Salvador, or would this request for the money suggest that this administration's policy is going to be used for a dramatic military escalation in El Salvador?

What line of reasoning does the administration or those who support the current policy give to the Senator from Hawaii?

Mr. INOUYE. Obviously, I cannot speak for the administration, as the Senator is well aware, and that is one of the big problems here. None of us is certain as to what the policy is. It would help if we were fully aware as to what the policy of this administration is in Central America.

I believe that the policy is based upon the cold war concept that he who is against communism is our friend. As I have suggested in many speeches I have made over the years, as a result of that concept, we have gotten ourselves into horrendous problems.

Batista came before us and said, "I am your friend because I am against communism," and we opened our doors to him. We knew he was corrupt. We knew he was violent. We knew he was immoral and amoral. Knowing this, with eyes open, because he gave us the proper password, we opened our doors. We should have known, but none of us had the wisdom then that we were in fact acting as a midwife for the birth of Castroism. We should have known, if we were wise, that mankind will not forever tolerate dictatorial abuse. We would have known earlier, had we been wise enough, that supporting Somoza was not in our best interests. But Somoza also had the password. So, it became the patriotic thing here to support anyone who came up and said, I am against the Communists.

However, I think the time has come when we have to change that policy. In the instant case, however, after building up this military monster, if we should decide to either cut funding down drastically or to terminate it completely, I am certain the Senator will agree with me that the hotheads in the military in El Salvador would conclude that in ending military assistance, we have ended the reason for restraint on their part. There would be no pressure; they would take over the show.

What I hate to see repeated is what happended in 1932. I am always reminded of that. In 1932, the military decided, not in the name of anticommunism but because they wanted to run that place, to massacre 30,000 peasants. I do not want that to happen again.

I am hoping—and I may be wrong—that the amount some of us have suggested would be just enough to keep that military in line, would be just enough to give that faint hope of democracy to develop in El Salvador. I am hoping that that amount is just enough not too much and not too little. I sincerely believe that the amount suggested by the Senator from Massachusetts is not enough.

Mr. KENNEDY. Mr. President, I welcome the analysis the Senator from Hawaii has given in this debate and his knowledge of Central America. He has reviewed with us the stakes of American foreign policy and its identification with Somoza, Batista, and others who I think the Senator from Hawaii said used the password of being anti-Communist.

I wonder, should the winner of this runoff election be Mr. D'Aubuisson, would he not also fall into at least the category that has been identified by the Senator from Hawaii as one who uses the passwork of just being anti-communist and therefore, apparently, expects to receive a blank check from the United States in terms of military aid and assistance?

I wonder whether the Senator from Hawaii would feel if we were debating again aid to Somoza, aid the Batista, we would not have been wiser to have understood the historical teachings and lessons and to tried to have found some alternative rather than identifying the United States so completely with a corrupt regime in Cuba under Democratic and Republican administrations alike? We eventualy saw the result in the emergence of a Communist regime under Mr. Castro. How

concerned would the Senator from Hawaii be should he wake up on that Sunday at the end of April or in early May and find out that Mr. D'Aubuisson has been elected and that there are tens of millions of dollars in the pipeline that can be used at his discretion?

Mr. INOUYE. Mr. President, if I may respond to that by first going back to another question which the Senator asked for clarification, it should be remembered by this body that the proposal I made in the Appropriations Committee was made before the first election.

Mr. KENNEDY. The Senator is correct.

Mr. INOUYE. When I discussed this matter with Secretary Shultz and with the majority leader, part of the arrangement was to delay consideration of this debate until after the first round in elections. The people in El Salvador are well aware of that arrangement and what has happened here. They know that we waited until the results of the first election were made public to all of us.

The results are now here. Jose Napoleon Duarte received 43.4 percent of the votes. Roberto d'Aubuisson got less than 30 percent. And one can make an educated guess that with those numbers the chances are favorable that Jose Napoleon Duarte will be elected President.

If we cut out the appropriation now or cut it down drastically I am certain the signal we would send back there would be either, one, we are disappointed with Duarte's success or, two, that we will withdraw our assistance irrespective of the outcome of the elections. The signal would be that we are withdrawing our support for the electoral process.

As to the Senator's immediate question, if Roberto d'Aubuisson is elected President of El Salvador and they have millions of dollars of supplies in the pipeline, the Senator and I know that the pipeline can be stopped, and I would be one of the first standing here to act to halt the flow in the military assistance pipeline until we receive a very clear reading on D'Aubuisson's past activities and on what he intends as President.

I am no apologist for D'Aubuisson. I have never met him, but from all I have read he is not the kind of person I would like to see as President of the United States or, for that matter, of any country. Although I am in no way qualified nor capable of prosecuting him for crimes, the evidence that has been presented to us seems rather compelling that he has had some role in the execution and the formation of the death squads. So, if the possibility should happen, I will do all in my power to put a stop to that pipeline.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments. I regret that we are on opposite sides on this particular issue, but the Senator's words certainly give me hope that we may yet be on the same side in the future with regard to our military assistance program in El Salvador.

Mr. President, how much time remains?

Mr. KASTEN. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Massachusetts has 12 minutes; the Senator from Wisconsin has 37 minutes.

Mr. SASSER. Mr. President, will the Senator yield me 5 minutes?

Mr. KENNEDY. Mr. President, may I yield 5 minutes off the bill? As I understand, we agreed to vote by 6:15 p.m. I have not a great deal more to say, but I wish to reserve that time and yield to the Senator from Tennessee.

Mr. KASTEN. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. KASTEN. Mr. President, I have told the Senator from North Carolina prior to this that I would yield to him roughly 10 minutes. I will do that and then come back to the Senator from Massachusetts and he can yield to the Senator from Tennessee.

I yield 10 minutes to the Senator from North Carolina.

Mr. EAST. I thank the Senator.

Mr. President, I appreciate this opportunity to speak on the amendment of the Senator from Massachusetts, again realizing we might continue to go over similar terrain we have been over before, but I think at least it tends to deepen the substance of this debate. Therein may lie some merit to it all.

I do agree with what the Senator from Hawaii has said, that I think unless we give this support and give it now and give it promptly the potential for a bloodbath in El Salvador is enormous. Some refer to the so-called death squads and then I also note, as Mr. Duarte has, that the Communist guerrilla forces would be given a green light to take the initiative because it would indicate that the United States no longer has the will to assist and to resist. So the level of violence would increase dramatically and certainly the guerrilla forces, aided and abetted from Nicaragua and Cuba and the Soviet Union, would be a part of that. I think it is important that that be understood.

I am also a little bit troubled with the implication in some of the debate that we should await until the elections are over before we indicate aid levels of support, which sounds to me like dollar diplomacy at its worst, that is, "You are free to have elections in El Salvador, provided they produce the result we want."

Maybe it is not quite as offensive as gunboat diplomacy, but it certainly is sheer, unabashed dollar diplomacy in its rankest form and its most cynical form because what you are saying is to the people of El Salvador: "Now you are free to go ahead and have an election; we are going to attach a condition to it, namely, that you produce the result we want."

Come on. Call that what you will. But it is not democracy. It is dollar diplomacy.

I wish to move to another point here that has caught my eye during this debate.

I agree with Senator KENNEDY when he said at the onset we may very well be involved in the most serious debate that will take place in this Chamber this year, and I think so in the world of foreign policy because what we do here is going to determine the direction this great power takes I think in the near term and the long term as far as the threat we face from the totalitarian left; namely, the Soviet Union via her proxies, not only Cuba and Nicaragua in this case, but Cuban forces in Africa, Syria, the Middle East, and Vietnamese troops in Southeast Asia.

I think when the great leader of the free world has no alternative to offer to its people in its own hemisphere other than being driven into totalitarian submission by the armed ideology, the Moscow-Havana-Nicaragua axis, that is too bad. That is a great default of moral leadership and I think a gross misunderstanding of the political realities of our time.

I think we are repeating the follies of the 1930's in which President Roosevelt had to find every conceivable way he could to aid our allies in Europe against Hitler.

We remember that destroyer deal. We remember all kinds of ways that he attempted to get around a Congress that wanted to retreat into fortress America and retreat into a posture of isolationism and the Chief Executive who has the primary responsibility for American foreign policy in the 1930's had to find ways, he had no choice—Franklin D. Roosevelt did—but to circumvent that, and I think if the U.S. Congress continues to try to micromanage American foreign policy our Presidents, no matter who they are, Democratic or Republican, more liberal or more conservative, will have to find ways simply of working around Congress.

As Thomas Jefferson said, the conduct of foreign policy is "executive altogether." Now, he slightly overstated the case, but I think he had a firm understanding that in the conduct of foreign policy the initiative must belong to the executive branch and we cannot then hold them accountable via the political process.

But when you attempt to micromanage every detail of the conduct of American foreign policy through the U.S. Congress, I think it is a misconception of separation of power, as Montesquieu, and Locke, and Madison understood it, and drives the Executive even further in the direction of having to find ways to deal with what he perceives to be the real and genuine security threats to the United States.

Roosevelt saw that it was Nazi Germany in World War II. Any President we have today, Democrat or Republican, liberal or conservative, in the eighties is going to be faced with the Soviet challenge in the Middle East, in Central America, in Southeast Asia, through her proxies. And to not understand that, I think, is to be naive about the great fundamental geopolitical reality of our time. And I think it is reflected in this debate here.

I might put it another way: Where are the national interests of the United States? We seem to have none, not even in Central America, our own hemisphere. We were told we had none in Southeast Asia. Perhaps some will be saying, in due course, we have none in the Middle East, we have none in Eastern Europe. It is fortress America, it is isolationism.

Only the Soviet Union seems to have national interests—in Afghanistan, in Central America, in Africa, in the Middle East, in Southeast Asia. Whether the U.S. Congress wishes to acknowledge it or not, there is a great protracted struggle going on in the world between the forces of totalitarianism and those trying to resist it. And to miss that point is to miss the most fundamental geopolitical point of our political decade and our political time. And I think it is being missed here in the U.S. Senate and certainly I think it is going to be missed in the U.S. House of Representatives.

If I speak out as one lowly voice, so be it, and one lonely voice, so be it, I am going to say it. We abandon our allies one by one. It was Vietnam and Cambodia. Look at the holocaust there. Will it be Israel next? Europe next? Is there no end to it? Central America now, the bloodbaths follow, as the totalitarian regimes move in. People are desperate to get out, the boat people, and so it goes. Refugees from Europe, from Asia, Central America—our country fills up with them. And what is our response? Do nothing, be impotent, ignore it, play ostrich-like, bury our heads in the sand and abandon our allies one by one.

It is repeating the follies of the thirties. And again, as one lonely voice in this Senate, I want to be in the CONGRESSIONAL RECORD as protesting as vigorously and as strongly as I can. It is unbecoming to a great power. I find it morally repulsive and repugnant that we do so. I think, geopolitically, we jeopardize the security and the democratic institutions of the people we were sent here to represent.

How many Vietnams can you afford to lose, how many Central Americas can you afford to lose—I ask that question—and ultimately maintain your own freedom? And that was the great issue in the thirties. Hitler marched unchallenged. Mussolini went into Africa unchallenged. The Japanese Imperial Army went into Asia unchallenged and we played fortress America, America first, isolationism in the name of getting us peace. And what did it get us? The worst war we have seen in our history. And history is now repeating itself in the decade of the eighties because the totalitarian left, at that time it was the totalitarian right, but the totalitarian left is moving and is moving through its proxies. If we do not have the will or the vision and the strength to resist it and to give the moral and logistic strength to our allies to resist it, I do not think we deserve to remain free and I do not think we will remain free.

I would like to leave, Mr. President, my colleagues with that thought. I do not know of any issue we have faced in my few tender years in the U.S. Congress that I feel more intensely about.

I appreciate once again the opportunity to speak on this amendment and on the Melcher amendment. I urge their rejection overwhelmingly by a bipartisan coalition in the U.S. Senate. It is the least that we can do.

Mr. MITCHELL. Mr. President, I rise in support of the amendment offered by the Senator from Massachusetts (Mr. KENNEDY). This amendment provides military and medical assistance to El Salvador at the same rate as does the compromise proposal crafted by the Senator from Hawaii (Mr. INOUYE) but for the months of April and May only. The Inouye compromise proposal, as my colleagues are aware, would continue the current level of military effort through the end of this fiscal year—that is September 30.

The Kennedy amendment is based on the belief that the Congress should not approve funds for a Salvadoran Government which has not yet been constituted. It proposes that we provide for a level of funding, designed to maintain the existing level of military activity, for a period to continue until 1 month after the Salvadoran runoff election. Between the election and the end of May we will have an opportunity to consider the results of the election and the progress which the newly elected President is making at furthering human rights, advancing democratic reforms, and conducting the Government's struggle against extremists on the left and right.

It is not for us to favor any candidate in the Salvadoran runoff election. What we all can and do favor is the conduct of a free and fair election, resulting in a government dedicated to furthering democracy and improving the lot of the Salvadoran people. We hope, but cannot yet be assured that the winner of the election will provide the kind of leadership which the situation requires, the Salvadoran people must desire, and the United States seeks. This, to me, is the most compelling reason why we should proceed slowly and decide on our future assistance levels once the government which will receive that assistance has been created, and has given us some preliminary indications as to what it intends to do.

I urge my colleagues to support the pending amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Tennessee may need.

Mr. SASSER. Mr. President, I support the amendment offered by the distinguished Senator from Massachusetts, Mr. KENNEDY. I believe at this time in the history of El Salvador that this is the correct approach for the U.S. Government to take. The Kennedy amendment will provide the Salvadoran Army sufficient funds to assure that there will be enough ammunition and equipment to sustain military operations through the second round of elections and to have the resources to safeguard the balloting that is to come in the latter part of April or early May.

Now, just last month, the President requested $93 million for El Salvador. In making that request, he said that El Salvador is running out of ammunition and that it would be unable to hold secure elections on March 25 unless this request for $93 million was expeditiously approved in an urgent manner.

Shortly thereafter, within really a matter of hours, the chief of staff of the Salvadoran armed services disagreed and was quoted in the New York Times as saying that the Salvadoran armed forces had enough ammunition and supplies to last through the elections on March 25 and to guarantee the security of those elections. And, that prediction by the chief of staff was accurate. El Salvador has now held the first round of elections. The army did not run out of ammunition. There was no shortage of supplies.

Today we are being told that the Salvadoran armed forces need $61 million in military aid. The distinguished Senator from Hawaii has accurately pointed out that these funds would sustain the Salvadoran military at current levels through the end of the fiscal year.

Well, Mr. President, I submit that we do not know who will be in charge of the armed forces of El Salvador in September. Just this past weekend, we saw in neighboring Honduras—a country and a military much more stable than that of El Salvador—we saw the chief of the armed services, General Alveraz, deposed and flown out of the country, and this at a time when the administration was extolling the virtues of the great democracy of the country of Honduras. We learned that the chief of staff, General Alvarez, was relieved of his command, dispatched to Costa Rica, without breakfast, it is reported; three leading members of his staff were deposed, and, only later, civilian authority in that country was informed of this by the Honduran military.

This is the country which is described by the Secretary of State and others in the administration as being a model of Central American democracy, a country where 60 percent of the people are illiterate with a per capita income of $600 a year and the chief killers in that country are gastrointestinal diseases brought about by drinking polluted water that kills a high percentage of the children before they reach 10 years of age.

I submit to my colleagues today that the situation in El Salvador is much less stable than in the country of Honduras. We do not know who will emerge as the victor in the second round of elections. If Mr. Duarte should win, many of us in the Senate would be more likely to support additional military aid for the country of El Salvador. But I am sorry to say today that there are elements in the Salvadoran society, including many in the armed forces, which have publicly stated that they would find Mr. Duarte unacceptable, and there are persistent rumors that, should Mr. Duarte be elected, there would be a coup from the right in El Salvador.

What if Mr. Duarte wins? Even if he should become President, and even if there should not be a coup, we do not know yet if he will be able to take control of the armed forces of El Salvador. We do not know if Duarte would be able to stop the bloodshed of the rightwing terror groups, and those elements of the military who, we are told, have murdered 40,000 civilians in the last 4 years. Mr. President, if Mr. D'Aubuisson, Mr. Duarte's chief rival, is elected, the people of El Salvador will have elected an individual who is reputed to be one of the perpetrators of rightwing terror that has paralyzed this country.

As one Senator, I could not condone, endorse, nor vote for the use of the tax dollars of the people of this country for military aid to a regime that has not demonstrated a basic commitment to justice, or recognized the human rights of all of the citizens of El Salvador.

Mr. President, make no mistake about it, the death squad activity in El Salvador continues. Many of my colleagues returned from that country to report on the success of the elections that took place there just a few days ago. I also am pleased that the elections were successful. But let us not forget that there were successful elections in El Salvador in 1982. Yet, in 1983, the Catholic Church in that country reported that a total of 5,200 civilians were either murdered, disappeared, or otherwise could not be found. To those of my colleagues who say some of this is a result of leftwing terror, I say that is true. Sixty-seven of those deaths were directly attributed to the leftist guerrillas. But, to be sure, leftist murders are just as despicable as rightist murders. But rightwing violence in El Salvador is as much an impediment to freedom and democracy as is the leftist violence. Both, I submit, Mr. President, must cease.

I believe we should provide military aid at this time to El Salvador in sufficient amounts to carry the Salvadoran armed forces through the election period. Following that election, we should reassess. We should not write a blank check. We should wait and see who the new leader of El Salvador is to be. We should see who is in command of the armed forces. We should make a determination about whether there is any connection about who heads that civil government in El Salvador, and what control is exerted over the military in that country. Too often, there is a propensity on the part of many in this country to ascribe to other countries the same political establishment that we have here; that is, that civilian authority is paramount over military authority.

Traditionally, that has not been the case in Central America. As a matter of fact, it has been just the opposite. We should determine whether or not we can support in full conscience whoever is elected to lead that country. Then we should determine whether or not that individual does indeed have the influence and the power to actually have significant say-so over how the government and its armed forces operate.

Mr. President, U.S. military assistance to El Salvador is an important lever that can be exerted to provide pressure to bring about reforms in the Salvadoran military, to bring about pressure to bring an end to the death squads and pressure to bring about justice in the trials of murderers of American citizens. It is almost incomprehensible that over 3 years ago, and some tens of millions of dollars worth of aid later, those who brutally murdered and raped four American nuns have not yet been brought to trial. And those who savagely gunned down and shot to death two American labor advisers in the Sheraton Hotel in San Salvador have not yet been tried and brought to justice.

Mr. President, I believe the Congress does not today have sufficient information to make a proper judgment on the level of funding necessary for the Salvadoran military, and the Kennedy amendment which I support provides sufficient funds to last through the election period. At that point, and based upon the circumstances at the time, the administration should come back to Congress and make a new request. I believe the Kennedy amendment represents a responsible approach to our foreign policy in Central America, and I urge the adoption of this amendment.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I say to the Senator from Massachusetts, despite the fact that all of his time has expired, I am prepared to yield back to him a couple of minutes of my time, if in fact, we have an opportunity to debate this particular amendment before the appointed hour of 6:15.

Mr. President, the Senator from Massachusetts is recommending that the Inouye amendment, which passed the Senate last Thursday, be reduced by nearly two-thirds.

Last week we saw on television news reports masses of Salvadorans either walking long distances and/or standing in line for hours in order to vote in the presidential elections. Even with some of the technical problems which occurred, Sunday's elections can be described as nothing short of spectacularly successful. Now, just a week later to adopt an amendment such as the Senator from Massachusetts is suggesting would be a catastrophic signal to send to all of those Salvadorans who demonstrated on last Sunday that they have chosen democracy. Not only would such an action by the U.S. Congress possibly lead to a military victory by the Marxist guerrillas, but it would certainly erode Salvadoran military morale and fighting capabilities to the point where necessary repair of the harm would take considerable time and resources.

Mr. President, the administration, the majority leader, the minority leader, the chairman and ranking members of the Appropriations Subcommittee have all come to a compromise on a number which we believe is the rock bottom, a minimum needed now for emergency military assistance to El Salvador. If the Senator from Massachusetts amendment is accepted, urgently needed material, replacement equipment, training, and medivac heli-

copters and ambulances would be denied.

One last point I would like to make is that acceptance of this amendment, which would only provide funds through the end of May, would simply set up another legislative situation and yet another debate. The House has already told us that they will not consider another supplemental until July, and so we would be looking for another piece of legislation on which to attach yet more military assistance.

Mr. President, there have been a lot of numbers thrown around lately about what we have provided El Salvador in the way of assistance. I think it might be worthwhile to lay on the record exactly what we have provided to that country over the last several fiscal years. We have heard numbers ranging up as high as $1.2 billion, and if you go back to 1946, you can just about reach that level.

Total military assistance provided thus far to El Salvador beginning with fiscal year 1978 and through the continuing resolution which was signed by the President on November 14 of last year is $269,500,000. From 1946 to 1977 we provided El Salvador with $16.8 million in military assistance.

For economic assistance, the totals are as follows: Fiscal year 1978 through the fiscal year 1984 continuing resolution Congress provided $819.9 million. The period from 1946 through 1977 we provided $176.7 million in economic assistance.

Mr. President, thus the total in both military and economic assistance for El Salvador for fiscal year 1978 through the latest enacted appropriation is $1,089,400,000. You can top the $1.2 billion figure only when you add in those funds provided from 1946 through 1977.

The main point, however, is that we have only provided El Salvador with $286,300,000 in military assistance since 1946. To those who have been interested in the ratio between economic and military assistance in the fiscal year 1978 through fiscal year 1984 enacted period, military assistance has accounted for 25 percent of our total aid to that country.

I urge the defeat of the Kennedy amendment.

We must adopt the level of assistance which the compromise of the Senator from Hawaii provides.

Mr. President, I ask unanimous consent that we temporarily set aside the Kennedy amendment, the pending Kennedy amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2879

(Purpose: To provide additional refugee aid, including $10 million for displaced persons in El Salvador)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 2879.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, between lines 18 and 19, insert the following:

"DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance," $10,000,000: *Provided*, That such sum shall be available only for assistance to displaced persons in El Salvador.

Mr. KENNEDY. Mr. President, the human crisis in El Salvador is alarming and America shares responsibility for meeting the challenge. Close to one-half million people are displaced; many live in camps under deplorable conditions. Over 10 percent of El Salvador's population are refugees or displaced persons. These urgent, growing relief needs must be met.

Last September, the Senate adopted an amendment—Kennedy-Simpson—to the State Department authorization bill that earmarked $10 million for displaced persons in El Salvador. The appropriation bill however, did not fully fund the refugee assistance account. In fact, the State Department has submitted a supplemental request for $14.6 million, of which $8 million is intended for El Salvador. I understand that the Department has indicated refugee assistance in Africa will have to be cut back to met needs in El Salvador if this supplemental request is not met.

This amendment provides an appropriation of $10 million to fully fund the El Salvador provision. Otherwise, U.S. refugee programs elsewhere will suffer.

If it is so urgent to get bullets to El Salvador, surely it is no less urgent to get relief to the hundreds of thousands of displaced persons in that country. It takes no sense to pour millions of dollars of military assistance into a goverment that cannot provide basic assistance to its citizens displaced by the conflict for which more military aid is sought.

I urge adoption of this amendment.

Mr. President, I ask unanimous consent that the Senator from Montana (Mr. MELCHER) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will not include in the RECORD the September 1983 staff report on behalf of myself and the Senator from Wyoming, Senator SIMPSON, of the Immigration and Refugee Subcommittee of the Judiciary Committee. I mention it here, however, for those who are following this debate as being an excellent document. It provides ample justification, for this amendment. It also is a poignant review of the human tragedy in El Salvador.

Mr. President, I would hope that the Senate would accept this amendment. I reserve the remainder of my time.

Mr. KASTEN. Mr. President, the amendment being offered by the Senator from Massachusetts would provide an additional appropriation of $10,000,000 for the State Department's refugee programs to be used for activities in El Salvador—specifically assistance to displaced persons.

The Senator knows there is a pending fiscal year 1984 supplemental request which the committee is considering and which will be part of the omnibus supplemental for fiscal year 1984. Included in that request is some $8 million for Latin America, $7 million of which would be specifically for aiding displaced persons in El Salvador.

Mr. President, I checked with the administration, and they say there is no urgent need for this money at this time. State informs me that should any urgent unforeseen needs arise prior to the passage of the omnibus supplemental, the Department would defer some contributions to the United Nations High Commissioner for Refugees in order to meet the needs for displaced persons.

Mr. President, I do not believe it would be inconsistent for us to appropriate the $7 million now. I think it might even be a good idea for us to go forward with a $7 million figure for aid to displaced persons at this time as part of this present legislation.

If the Senator will yield, if the Senator would be willing to modify his amendment to the $7 million figure, I not only would be willing to accept his amendment, but I also would be willing to cosponsor his amendment because these dollars are, I think, in fact, needed.

Mr. KENNEDY. I thank the Senator for his observation. I would observe as someone who has followed the problems of refugees and the humanitarian needs of peoples in different parts of the world, it always distresses me, whether it was at a time during the Vietnam war or the current time, that there is always an urgency about providing guns and bullets, but never seems an urgency with regard to the humanitarian needs.

I believe the Senator from Wisconsin has made a reasonable recommendation and suggestion, as well as one that I think is realistic in terms of being able to have this amendment accepted.

Mr. President, I ask unanimous consent that my amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so modified.

The amendment, as modified, is as follows:

On page 4, between lines 18 and 19, insert the following:

"DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance," $7,000,000: *Provided*, That such sum shall be available only for assistance to displaced persons in El Salvador.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from Wisconsin (Mr. KASTEN) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. KASTEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2879), as modified, was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, do I understand the parliamentary situation to be that my amendment is still set aside? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDENT NO. 2840

(Purpose: To require progress on land reform as a condition for U.S. military aid to El Salvador)

Mr. KENNEDY. Mr. President, I send an amendent to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numberred 2840.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, at the end of line 15, insert the following: "land reform,".

Mr. KENNEDY. Mr. President, the bill before us omits any mention of land reform. Amendment No. 2840 remedies this: it adds the requirement of progress toward land reform as an additional condition for U.S. military assistance on which the President must report to the Congress.

The 1981 International Security and Development Cooperation Act declared it should be U.S. policy to support land reform. It required the President to certify that the Government of El Salvador "is making continued progress in implementing essential economic and political reforms, including the land reform program."

The continuing resolution for fiscal year 1984 also required a certification of progress in land reform.

Even the report of the National Bipartisan Commission on Central America states:

The pervasiveness and depth of rural poverty make improvement in rural incomes and living standards especially high priorities. Agrarian reform programs should continue to be pursued as a means of achieving this.

Omission of progress in land reform as a condition for American military aid would thus send entirely the wrong signal. Omission would encourage those Salvadoran forces who in recent months have sought to block land reform legislation in the constituent assembly.

The crisis in El Salvador has its roots in social and economic injustice. We must reassert the U.S. commitment to progress in land reform by adopting this amendment.

I hope the Senate will adopt this amendment.

Mr. KASTEN. Mr. President, the bill before us has in it some language as conditionality which was essentially extracted from the Kissinger bipartisan report on Central America.

The section that we did pull out does not make specific reference to land reform. At other times, in our Appropriations Committee, we have adopted language urging progress on land reform. The Senator from Hawaii and I have both worked in support of that, so I have no problem with this amendment. On behalf of the committee, I shall be happy to accept the amendment of the Senator from Massachusetts.

Mr. President, I have no further need for time on this side, so I am prepared to yield back the remainder of my time on this amendment.

Mr. KENNEDY. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2840) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. We have now set aside the original Kennedy amendment and had the adoption of two other amendments. What is the amendment the Senate now has before it?

The PRESIDING OFFICER. No amendment is pending at this time.

Mr. KENNEDY. I have several other amendments, Mr. President, if the Senator would like. If we have started a trend here, I would like to go into Nicaragua. But I have run out of time at this point, Mr. President. I understand that we have agreed to vote at 6:15.

Mr. KASTEN. Mr. President, I ask unanimous consent that the Kennedy amendment be once more laid before the Senate.

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. Was all time on both sides yielded back on the Kennedy amendment?

The PRESIDING OFFICER. It was, that is correct.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

AMENDMENT NO. 2877

The hour of 6:15 having arrived, under the orders the Senate will vote on the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The yeas and nays have not been ordered.

Mr. KASTEN. Mr. President, I ask for the yeas and nays on the Kennedy amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Oklahoma (Mr. NICKLES), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Indiana (Mr. QUAYLE) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. QUAYLE) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Ohio (Mr. METZENBAUM), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK) and the Senator from Arizona (Mr. DECONCINI) are absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 25, nays 63, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—25

Baucus	Kennedy	Randolph
Biden	Lautenberg	Riegle
Bingaman	Leahy	Sarbanes
Cranston	Levin	Sasser
Dodd	Matsunaga	Tsongas
Eagleton	Melcher	Weicker
Exon	Mitchell	Zorinsky
Ford	Pell	
Hatfield	Proxmire	

NAYS—63

Abdnor	Garn	Mathias
Andrews	Glenn	Mattingly
Armstrong	Goldwater	McClure
Baker	Gorton	Murkowski
Bentsen	Grassley	Nunn
Boren	Hatch	Percy
Boschwitz	Hawkins	Pressler
Bradley	Hecht	Pryor
Byrd	Heflin	Roth
Chafee	Heinz	Rudman
Chiles	Helms	Simpson
Cochran	Hollings	Specter
Cohen	Humphrey	Stennis
Danforth	Inouye	Stevens
Denton	Jepsen	Symms
Dixon	Johnston	Thurmond
Dole	Kassebaum	Tower
Domenici	Kasten	Trible
Durenberger	Laxalt	Wallop
East	Long	Warner
Evans	Lugar	Wilson

NOT VOTING—12

Bumpers	Hart	Nickles
Burdick	Huddleston	Packwood
D'Amato	Metzenbaum	Quayle
DeConcini	Moynihan	Stafford

So Mr. KENNEDY's amendment (No. 2877) was rejected.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2876

The PRESIDING OFFICER. Under the previous order there will now be 14 minutes of debate evenly divided on the amendment of the Senator from Montana (Mr. MELCHER).

Who yields time?

Mr. MELCHER and Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, first of all, I assure my colleagues that I doubt whether too much of the 14 minutes need to be used.

I wish to pose a couple questions, and these are questions that people are asking us.

They wonder what we are doing in El Salvador. People are frustrated and particularly at taxpaying time about $200 billion deficits, and they say how much urgent foreign aid is necessary in El Salvador or other parts of the world?

That is what people wonder and they focus on that point and ask how much and why, and then they hear more than they want to hear on arms, insurgents, and killing in El Salvador, and we should refocus our attention on problems at home, like getting a job, education, hospital and doctors' bills, the senior citizens problem, or low agricultural prices. People are frustrated with high interest rates, major industries laying off people, and an imbalance of foreign trade costing us jobs and thwarting our economic recovery.

Mr. President, we have already appropriated over $1 billion for El Salvador. President Reagan would like to make that go to $2 billion this year if Congress and the people go along.

No wonder people are frustrated. Just for this year there is $160 million left unspent for El Salvador. If we do not appropriate one nickel more for them this year, they will have a hard time spending all the $160 million between now and next September 30.

Since all the urgent justification for President Reagan for all this money is to get rid of 10,000 insurgents in El Salvador, it is fair to just divide that out, and that figures to almost $30,000 of money to kill or incapacitate each and every one of the 10,000. Of course, they will not all be eliminated this year, and that is the reason that President Reagan will more than double the ante to provide $70,000 per capita for the 10,000 insurgent demolishment for this coming year.

Our national interest in El Salvador or Central America does not lie in the direction of more armaments but our national interest in Central America is in keeping arms out of these small countries. That means preventing by diplomatic tough work with Cuba and Russia arms shipments into the area, and surveillance and interdiction to keep out all armaments from there. We have sent the armaments that are used on both sides of that killing. Some of the armaments for the army end up arming the 10,000 insurgents.

In El Salvador and Central America democracy does not live on armaments, and that is why I urge restraint on both armaments and money with my amendment.

It is time to change our spending sights for El Salvador and Central America. My amendments does that. And it is enough.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, as to this amendment, although the total figure is $34 million, I just simply wish to point out to the Senate that because of the way the amendment is written and particularly for the agricultural component of it, only $7.9 million could be applied against the total military needs of $49,250,000.

In a way this amendment is more difficult for the Salvadoran Government. This amendment is more difficult for the administration.

I urge its defeat.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin yields back his time.

Mr. MELCHER. Mr. President, the Senator from Wisconsin is correct. It is $7.9 million for arms, $14 million for food aid, and $13.5 million for medical aid, a total of $35.4 million.

Mr. President, that is enough.

I do yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back on the amendment. The question is on agreeing to the amendment of the Senator from Montana (Mr. MELCHER). The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Nevada (Mr. LAXALT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Indiana (Mr. QUAYLE), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. QUAYLE) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Ohio (Mr. METZENBAUM), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that the Senator from Arizona (Mr. DECONCINI), and the Senator from North Dakota (Mr.

BURDICK) are absent on official business.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 24, nays, 63, as follows:

[Rollcall vote No. 47 Leg.]

YEAS—24

Andrews	Lautenberg	Pryor
Baucus	Leahy	Randolph
Biden	Levin	Riegle
Cranston	Matsunaga	Sarbanes
Dodd	Melcher	Sasser
Exon	Pell	Tsongas
Hatfield	Pressler	Weicker
Kennedy	Proxmire	Zorinsky

NAYS—63

Abdnor	Evans	Lugar
Armstrong	Ford	Mathias
Baker	Garn	Mattingly
Bentsen	Glenn	McClure
Bingaman	Goldwater	Mitchell
Boren	Gorton	Murkowski
Boschwitz	Grassley	Nickles
Bradley	Hatch	Nunn
Byrd	Hawkins	Percy
Chafee	Hecht	Roth
Chiles	Heflin	Rudman
Cochran	Heinz	Simpson
Cohen	Helms	Specter
Danforth	Hollings	Stennis
Denton	Humphrey	Stevens
Dixon	Inouye	Symms
Dole	Jepsen	Thurmond
Domenici	Johnston	Tower
Durenberger	Kassebaum	Trible
Eagleton	Kasten	Warner
East	Long	Wilson

NOT VOTING—13

Bumpers	Huddleston	Quayle
Burdick	Laxalt	Stafford
D'Amato	Metzenbaum	Wallop
DeConcini	Moynihan	
Hart	Packwood	

So Mr. MELCHER's amendment (No. 2876) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2838

(Purpose: To condition the provision of military assistance to El Salvador after May 31 to initiation of a prosecution in the case of the two murdered American labor advisers)

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, on behalf of the Senator from Massachusetts (Senator KENNEDY), I call up amendment No. 2838 which is at the desk, and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN), for the Senator from Massachusetts (Mr. KENNEDY), proposes an amendment numbered 2838.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the section entitled "MILITARY ASSISTANCE" of H.J. Res. 492, add the following: No funds appropriated in this bill or other legislation shall be available for military assistance for the Government of El Salvador after May 31, 1984 unless that government has initiated a prosecution of those involved in the murder of two American Labor advisers in 1981.

Mr. KASTEN. Mr. President, this will be the first order of business tomorrow when the Senate again takes up House Joint Resolution 492. That will be the first amendment. This is the arrangement with the Senator from Massachusetts.

Mr. President, I ask unanimous consent that immediately following the disposition of amendment No. 2838 the Specter amendment to set aside 30 percent of the funds until a verdict of the nun's case is reached be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, there will be no further rollcall votes tonight, if that has not yet been announced.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 4072 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4072) to provide for an improved program for wheat, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. HELMS. Mr. President, I urge the Senate to approve the conference report on H.R. 4072, the Agricultural Programs Adjustments Act of 1984. This legislation makes several much-needed farm program changes, which I might add, have been a long time in coming for America's farmers and taxpayers.

The legislation will provide very timely cash-flow and credit assistance to farmers and will reduce the cost of Government farm programs.

H.R. 4072, as passed by the Senate and approved by the conference committee, will freeze the target price for several commodities in 1985 at the 1984 level as sought by President Reagan. The bill targets assistance to producers affected by the devastating 1983 drought and calls for increases in funding for agricultural exports. The increased assistance will go to those farmers who qualify, and the boost in agricultural exports is good for our entire economy.

Mr. President, this legislation is not perfect. I am sure that if each of us had a free hand to write this legislation, we would write these provisions differently. But the legislation is the product of extensive meetings and negotiations, and it represents a strong effort toward a workable compromise which will improve current programs.

Beyond that, this measure will save $2.7 billion from 1984 through 1987, according to official estimates from the Congressional Budget Office. The U.S. Department of Agriculture places the savings even higher, at $3.2 billion over the same period.

Now I know that some people believe that the savings as estimated are overstated, or even nonexistent. I can well understand that view. But the fact remains that we are required by the Congressional Budget Act to use CBO estimates.

Even with the best estimates humanly available, we cannot know if the actual savings will ultimately be $1 billion or $3 billion. There is no perfect crystal ball.

But I do know that we are moving in the right direction, and I believe we should adopt this measure for whatever savings it should produce.

Several of our colleagues in the Senate and House of Representatives played a constructive role in the development of this important legislation. Senator HUDDLESTON deserves particular recognition for his part in the farm credit provisions of this bill. Senator DOLE, of course, initiated the meetings this year which led to this bill due to his interest in the wheat program.

On the House side, Agriculture Committee Chairman DE LA GARZA once again ably provided leadership in representing the views of his members. Congressman TOM FOLEY also played an integral role both in designing a wheat program and then in crafting the necessary compromises to produce legislation which all parties can approve.

I want to be clear: Responsible support for this legislation can be found on both sides of the aisle and in both Houses of Congress.

These Members know that farmer's livelihoods are too important to play politics with, and I commend them for it.

However, as press reports of this conference indicated, there are always those who seek to use these important meetings as a forum to achieve political advantage.

News accounts suggest that a conference might not even have been necessary. I do not know if this is true. I

hope it is not. But if it is, it simply means that farmers were deprived of a few more days of much-needed time to use the credit provisions before spring planting.

As I have related, many Senators were helpful—such as Senator JEPSEN who was instrumental in insuring the adoption of several provisions designed to assist farmers hurt by last summer's drought. He has repeatedly stressed the urgency of enacting legislation to help drought-stricken farmers in Iowa and across the Nation, and he worked hard in the negotiations in the Agriculture Committee to get these provisions adopted.

Senator JEPSEN has also shown much leadership in seeking additional funding for agricultural exports. Throughout the process he has sought to develop the best possible programs for Iowa farmers, yet in a framework which can ultimately be approved by Congress and signed by the President.

Mr. President, I shall now describe the agreement reached by the conference committee. The conferees adopted the Senate-passed version of H.R. 4072 in almost every respect.

1984 AND 1985 WHEAT PROGRAMS

The conference agreement will freeze the wheat target price at $4.38 per bushel for both the 1984 and 1985 crops, and will make changes in the 1984 wheat program to increase participation and more effectively reduce grain surpluses. The bill also specifies the 1985 wheat program.

For both the 1984 and 1985 crops of wheat, the bill requires a 10-percent paid diversion and not more than a 20-percent acreage limitation program. The payment rate on the paid diversion would be $2.70 per bushel, the same rate as provided in 1983. The Department of Agriculture would be required to make advance payments of 50 percent of the diversion payments to producers as soon as practicable after signup for the program, a practice which USDA typically has followed in recent years.

The bill also provides for a 10- to 20-percent payment-in-kind diversion program for the 1984 crop with compensation in kind based on 85 percent of the farm program yields, and haying and grazing of acreage diverted from production under the 1984 wheat program at the option of each State.

These changes will improve participation in the wheat program and help to control our burdensome surpluses.

FEED GRAINS

The conferees adopted the Senate provisions relating to feed grains. These include a freeze in the 1985 target price for corn at the 1984 level of $3.03 per bushel—instead of $3.18 per bushel as in current law. The bill also provides that if corn carryover on October 1985, is estimated to exceed 1.1 billion bushels, the Secretary of Agriculture shall provide for a total acreage cutback of 5 to 20 percent—through a combination acreage reduction program and a paid diversion—with not less than 5 percent of the acreage cutback to be achieved through a paid diversion and any reduction over 15 percent to be equally divided between paid diversion and acreage reduction programs. The paid diversion payment rate will be $1.50 per bushel for corn.

The conferees also adopted a provision regarding corn silage. That provision gives the Secretary of Agriculture discretion to make price support loans to producers who cut 1984 or 1985 crop corn for silage on a quantity of other corn equivalent to that corn which would be produced on a field that is similar to the field from which the silage was obtained.

UPLAND COTTON

The conferees basically adopted the Senate provisions with respect to upland cotton with a modification. With respect to the target price for the 1985 crop of upland cotton, the bill freezes the target price at 81 cents per pound—instead of 86 cents as in current law. For the 1985 cotton program, the bill requires that if the Secretary estimates that the carryover level of upland cotton on July 31, 1985, will exceed 3.7 million bales, the Secretary must implement a program for the 1985 crop under which the farm upland cotton acreage would be limited to the farm upland cotton acreage base reduced by not less than 5 percent, consisting of first, a paid diversion of not less than 5 percent with a payment rate of 27.5 cents per pound; and second, at the discretion of the Secretary, an acreage limitation program. Any total acreage reduction in excess of 25 percent of the acreage base for the farm must be accomplished through a paid diversion program.

The conference agreement retains the Senate provision providing for a diversion payment rate of 30 cents per pound if the Secretary estimates that the upland cotton carryover on July 31, 1985, will exceed 4.1 million bales and for a diversion payment rate of 35 cents per pound if the carryover would exceed 4.7 million bales.

RICE

Again, the conferees adopted the Senate provisions with one modification. For the 1985 crop of rice, the bill freezes the target price at $11.90 per hundredweight—instead of $12.40 as in current law.

For the 1985 rice program, the Secretary would be required by the bill to implement a combination acreage limitation program and paid diversion program if the Secretary estimates that the rice carryover on July 31, 1985, will exceed 25 million hundredweight. The diversion payment rate will be $2.70 per hundredweight. If it is estimated that the carryover will exceed 35 million hundredweight, the payment rate will be $3.25 per hundredweight, and if it is estimated the carryover will exceed 42.5 million hundredweight, the payment rate will be $3.50 per hundredweight.

EXPORT ASSISTANCE

The agriculture export provisions of H.R. 4072 were approved by the conference as in the Senate bill with one modification.

The bill includes the Senate provision expressing the sense of Congress that additional actions should be taken to boost farm exports. Such actions include increases in funding for Public Law 480 programs, direct export credit programs, and export credit guarantees.

The conferees also agreed to the Senate provision requiring the Secretary of Agriculture to carry out a 2-year pilot program to use Commodity Credit Corporation dairy products to acquire ultra-high-temperature processed fluid milk for donation to needy persons outside the United States.

The conferees modified the provisions relating to the surplus commodity distribution provisions of the Agricultural Act of 1949. In that case, a compromise was adopted. The House Foreign Affairs Committee shares jurisdiction in the House of Representatives on this provision with the House Agriculture Committee.

The conference agreement amends section 416 to authorize the Secretary to furnish dairy products and wheat acquired by the Commodity Credit Corporation for carrying out title II of Public Law 480. Commodities and products furnished under the provision would be for such purposes as are approved by the Secretary, would be furnished under expedited procedures, and could be sold or bartered under certain circumstances, as approved by the Secretary. Agreements are authorized to provide dairy products and wheat in installments over an extended period of time.

As provided in the conference agreement, the Secretary of Agriculture must approve the donations as well as the purposes for which the commodities are being donated. The conference agreement also calls for expedited procedures to be used in implementing the distribution of these commodities.

These provisions are very important. The Secretary of Agriculture has responsibility for the Commodity Credit Corporation which holds title to these stocks. With responsibility for both domestic and international programs, the Secretary can and should play the major role in implementing the commodity distribution.

Expedited procedures for section 416 donations are already in place, and these should continue. The surplus commodity distribution should not

become bogged down in the many requirements of title II of Public Law 480. Since enactment of the authority to donate dairy products in 1982, nearly 90,000 tons of surplus stocks have been moved out of Government storage to needy people around the world. USDA deserves much credit for this achievement and I hope this aggressive effort will continue.

EMERGENCY AGRICULTURAL CREDIT ASSISTANCE

Mr. President, the provisions in this bill dealing with agricultural credit are the same as passed by the Senate except for one change in the conflict of interest provision.

As agreed to by the conferees the bill will facilitate the submission of disaster emergency loan applications from farmers whose operations are in counties without disaster declarations, but are contiguous to declared counties. The bill will protect the value of farm assets used for collateral purposes against adverse fluctuations which occur during a major agricultural natural disaster. Also, producers will have an additional 2 months in which to submit disaster loan applications.

The bill will allow producers in counties without a formal disaster declaration but which are contiguous to be declared disaster area, to submit applications to determine eligibility for production loss loans. Of course, these applicants would have to meet the applicable eligibility requirements to receive emergency disaster loans.

Currently, farmers experiencing a crop loss due to a natural disaster have 6 months in which to submit applications to the Farmers Home Administration. Under the bill, this time period will be extended to 8 months. This extension will insure that all farmers have adequate time to evaluate their crop losses and to file the necessary documentation for loan assistance.

The bill will protect the value of farm real estate, equipment and livestock used as collateral for Farmers Home Administration loans against the sharp depreciations which often accompany a massive crop failure. The bill will require that the Secretary value the assets based on the higher of the value of the assets on the day before the Governor of the State in which the farm is located requests assistance under the emergency loan program or the Disaster Relief Act of 1974 for any portion of such State or the value of such assets 1 year before such day.

The bill will require that, with respect to the court-ordered economic emergency loan program operated from December 22, 1983, through September 30, 1984, the Secretary must make at least $310 million in insured economic emergency loan funds available to eligible borrowers during the remainder of this fiscal year. Also, the Secretary may make additional insured obligations totaling not more than $290 million.

The bill will increase the limitation on individual indebtedness under the FmHA farm operating loan program from $100,000 to $200,000 in the case of insured loans and from $200,000 to $400,000 in the case of guaranteed loans. This increase is reflective of the increased annual operating costs in agriculture.

Under current law the repayment period for consolidated or rescheduled FmHA farm operating loans cannot exceed 7 years. Under the bill, this repayment period will be extended to a maximum of 15 years. This additional time will allow FmHA greater flexibility to assist financially troubled borrowers to restructure their debt service to maintain viable operations.

In order to further assist farm borrowers, the bill will require that for insured farm ownership, farm operating, and disaster emergency loans that are deferred, consolidated, rescheduled, or reamortized by FmHA, the interest rate will be the lower of the rate of interest on the original loan or the current rate of interest. This provision will assist FmHA borrowers having difficulty making repayment by allowing an interest rate on rescheduled or consolidated loans at no higher then the original rate of interest.

The bill requires that at least 20 percent of the insured farm ownership and farm operating funds be made available to low income, limited resource borrowers. Furthermore, FmHA farm borrowers must be notified of the limited resource loan programs and how applications may be submitted for such loans. This notification would be accomplished during the normal course of loan making and servicing contact with each borrower.

The conferees agreed to a modification of the Senate provision prohibiting Department of Agriculture officials who review a loan application for the purchase of land from acquiring an interest in such land for a 3-year period. The conference agreement applies this restriction to officers or employees of the Department of Agriculture who review applications for loans to purchase land under the Consolidated Farm and Rural Development Act, including members of Farmers Home Administration county committees, but not to former members of these county committees if the Secretary of Agriculture determines that the former member acted in good faith in reviewing the loan application. This determination by the Secretary would have to be made prior to the acquisition of the land by the former member.

These credit provisions will assist many FmHA borrowers experiencing difficulty because of last summer's drought or other economic pressures in the agricultural community during the past several years. The enactment of this legislation will provide much needed assistance to these borrowers to avoid liquidation and regain financially stable farm operations.

Mr. President, on a different point, I note that there have been news reports that leaders of the European Economic Community have reached agreement on a package of changes in European farm programs. As I have said before, the structure of internal European farm programs becomes the business of the United States when world markets are distorted by export subsidies on surplus EEC commodities.

While the specifics of the EEC package are not yet entirely clear, I understand that there was agreement for restraint on domestic price supports. Such restraint should help control surplus production, so this step appears to be positive and commendable. In fact, I believe such actions by the EEC would not have occurred without their budget crisis along with the firm stance by the Reagan administration and many of us in Congress.

However, there are also reports that the EEC Commission has been ordered to negotiate with the United States regarding restrictions on corn gluten. Such a development is disappointing.

We remain strongly opposed to limits on corn gluten feed exports. While the United States will honor the GATT, any restrictions are certain to be met with calls for firm countermeasures.

American farmers and others around the world should not have to pay the price for the policies of the EEC. We remain firmly committed to a free and open trading system, even as we make changes in our own domestic programs.

Mr. President, this compromise legislation is important and timely. It gives the Reagan administration another legislative victory, in the form of the target price freeze which they have long sought.

I commend Secretary of Agriculture John R. Block and his entire team for their effort in developing this compromise. Not only will the target price adjustments produce more sound policy, they will generate substantial savings to the taxpayer over time.

This legislation also provides the many other benefits which I have already described. I encourage my colleagues to vote for this conference report in order to seek enactment as soon as possible.

Mr. DOLE. Mr. President, I do not intend to make a long statement on behalf of passage of this legislation. As my colleagues know, there have already been plenty of speeches on the need to improve farm programs and precious little action over the past 15 or 16 months. Suffice it to say that this conference report on H.R. 4072,

the Agricultural Programs Adjustment Act of 1983, is almost identical to the Senate version of the bill passed by a 78-to-10 margin on March 22. We had to make a few minor changes in the cotton and rice programs, and gave the Secretary some discretionary authority in the feed grain loan area. But, in large measure, the House conferees were willing to accept the provisions worked out between farm State Senators and the administration in early March.

OUTYEAR SAVINGS

As I mentioned 2 weeks ago, Mr. President, whatever savings this bill may achieve are largely on paper, and are based on some major assumptions of long-range economic performance and policy development. I believe the latest USDA estimate was for about $2.9 billion savings over the fiscal year 1984 through fiscal year 1987 period, while the Congressional Budget Office was at around $2.3 billion. Most of these savings are in the outyears, particularly in fiscal year 1987, and assume escalating target prices for all commodities under the next farm bill for the 1986 crops. I would only point out, however, that these same assumptions are built into the baseline projections for Federal budget deficits. So the savings from this bill are no less real, or no more inflated, than the agriculture component of those outyear deficits.

NOT A POLITICAL GESTURE

I would also take issue with those who claim that this legislation, with mandated advance diversion payments, is a political vehicle aimed at putting money in farmers' pockets before this November's elections. Advance payments have been a common part of several recent farm programs, both in election years and in the off-years. The fact that wheat farmers will be eligible to receive two advance payments this year, one for each of the 1984 and 1985 crops, simply reflects the lateness of our efforts to make needed adjustments in the 1984 program. And no one should blame the administration for not trying to get these adjustments through Congress in 1983, when advance payments would have been less subject to criticism.

A LONG AND DIFFICULT PROCESS

Mr. President, congressonal approval of this conference report will cap a long and difficult process which began nearly 16 months ago. And while we may now be able to go forward with these much-needed changes in farm programs for 1984 and 1985 crops, it appeared at several points that we had reached a permanent impasse. For the record, I would only summarize the more significant events in the development and approval of this legislation.

1982

November. The Reagan administration proposed the payment-in-kind (PIK) program for 1983 crops to reduce heavy grain and cotton production and stocks in exchange for congressional approval of a freeze on target prices at 1983 levels.

December. Congressional efforts to authorize PIK were thwarted by Senator MELCHER, despite the univeral support of his Democratic colleagues.

1983

January. USDA proceded to implement PIK on its own authority. Senators DOLE and DOMENICI introduced S. 18, a bill proposing to reduce scheduled target price increases by one-half and divert proceeds to the agricultural export credit revolving fund.

June. House Agriculture Committee refused to act on the administration's request for a target price freeze. Compromise based on S. 18 was stalled in the Senate Agriculture Committee.

July. Compromise worked out with various farm groups was prevented from consideration on the Senate floor as an amendment to the target price freeze prior to the August recess.

August 9. Faced with August 15 deadline, Agriculture Secretary Block announced details of the 1984 wheat program, including a higher 30 percent acreage reduction requirement to offset the higher scheduled target price.

September and October. Additional efforts to bring the farm compromise to the Senate floor were blocked. Beginning of winter wheat planting required the added participation incentive of a 10-percent paid diversion program.

November 16. House passed wheat version of Senate compromise, sponsored by Congressman TOM FOLEY, only 2 days before congressional adjournment. Further action was postponed until late January.

1984

February 18. Faced with possible low participation in the announced 1984 wheat program, Secretary Block extended the signup period by 3 weeks, until March 16.

March 5-8. Three days of intensive negotiations between administration officials and farm State Senators, resulting in markup of legislation by the Senate Agriculture Committee.

March 22. After another week of postponements and filing of a cloture petition to close off a possible filibuster, Senate passed H.R. 4072, as amended by the Agriculture Committee.

March 29. With minor changes, House and Senate conferees approved the Senate version of H.R. 4072, with final passage of the conference report and signature by President Reagan expected within 2 weeks.

Mr. President, while this chronology may seem somewhat tortuous, it was only through the very considerable efforts of several Members on both sides of the aisle and in both Houses of Congress that we were able to succeed at all. I would particularly note the leadership and patience of the distinguished chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Senator HELMS, who guided this legislation through conference in the short space of 1 day.

Another major contribution was made by the senior Senator from Iowa, Senator JEPSEN, who made the total package more attractive and acceptable to feed grain producers by adding provisions expanding credit availability and providing drought assistance. Combined with the export financing increases which the administration was convinced to add to the bill, the Senator from Iowa played a major part in the development of a responsible and balanced bill.

I would also like to express my appreciation for the bipartisan support and cooperation of the senior Democratic member of the House Agriculture Committee, Congressman TOM FOLEY, whose willingness to see the process through can only be characterized as agricultural statemanship.

HOPE FOR IMPROVED PARTICIPATION

Mr. President, I understand that the House may be able to act on this conference report and pass H.R. 4072 either tomorrow or by Thursday of this week, at the latest. We should then be able to get the bill on the President's desk by next week, and the signup period for the 1984 wheat program could be reopened by mid-month. Since Secretary Block has indicated that up to 2 weeks will be needed for signup, the entire process should be wrapped up before May. This would mean that, after all the delays, we may beat the 1984 wheat harvest in Texas by about 2 weeks.

I am hopeful that the improvements in the wheat program will result in a higher level of participation. The USDA indicates that about 38 percent of wheat farmers, representing 53 percent of base wheat acreage, signed up prior to March 16. I would like to see these numbers raised, and to take a little more off of the potential size of this year's crop.

Even with these last-minute changes in the 1984 wheat program, one of the real and positive achievements of the bill is that the major provisions of the next wheat program in 1985 are clearly spelled out. Farmers will know as soon as the bill is signed into law that next year's acreage reduction will include a 10-percent paid diversion within a total requirement of 30 percent. They will know what the loan and target price will be. And, with the remaining details to be announced no later than July 1, they will be able to make their production plans well in

advance of fall planting for the first time in years.

I firmly believe that this early clarification of program provisions will do more than anything else to raise participation and increase farmer support for the goals of the Government's program.

A POSITIVE CLIMATE FOR 1985 LEGISLATION

Finally, Mr. President, I would only mention what I see to be the true saving grace of this legislation: that its passage, even at this late date, demonstrates a renewed will and ability of both Congress and the administration to overcome obstacles and work out compromises on farm programs. We spent all of last year and part of this year stymied by a small minority in the Senate who would not even allow us to consider and vote on this bill.

The fact that we were finally able to insist on carrying out our responsibilities will relieve a lot of pressure that had built up on the whole policymaking framework for agriculture. And it will make it a lot easier for us to take a positive approach to the development and passage of new and hopefully more long-term farm legislation next year.

Thank you, Mr. President.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HUDDLESTON. Mr. President, under the conference report on H.R. 4072, adjustments will be more in the wheat, feed grain, upland cotton, and rice programs, and much-needed credit assistance will be provided to our Nation's farmers. The legislation is needed to make the farm programs more effective and reduce outlays under those programs.

Also, the conference report contains provisions designed to expand surplus disposal programs through export donations; and it expresses the sense of Congress that action should be taken to make additional funds and lending authorizations available in fiscal year 1984 and 1985 to strengthen U.S. agricultural export markets. We must increase our agricultural exports if our Nation's farmers are to share in the economic recovery, and the export initiatives contained in the conference report will do much to accomplish this.

In this regard, I was pleased to join with Senator COCHRAN and others, last Friday, in proposing two amendments to House Joint Resolution 492, the pending appropriations legislation, to provide a major portion of the additional export funding and lending authorization called for in H.R. 4072. The Senate adopted both amendments.

I urge the Senate to approve the conference report.

PURPOSE OF THE LEGISLATION

The conference report addresses the high costs of the farm programs while making improvements in the programs to increase producer participation. In addition, the conference report includes a number of provisions that will eliminate deficiencies in the Federal farm credit programs.

The conference report makes no changes in the 1984 commodity programs, except for changes in the wheat program that are supported by producers, and counterbalances target price freezes in 1985 with authority for paid diversion programs. With this approach, farmers will be able to better plan for next year's crops and this year's plantings will not be unduly disrupted.

The target prices specified under existing law were established at a time, in 1981, when production costs were escalating rapidly and those rapid yearly increases were expected to continue. Price inflation has moderated, and the target price levels should be adjusted to reflect that fact.

I believe the changes in the target prices proposed in the conference reports on H.R. 4072 will reduce costs under the commodity programs without reducing their effectiveness for farmers.

CREDIT ASSISTANCE

The provisions of the conference report that will provide our farmers significant credit assistance are key components of this legislation. Many of the credit provisions are proposals that I developed and included in legislation introduced last year—S. 24 and S. 1949.

Credit remains a serious problem for farmers, and the threat of foreclosure is the most demoralizing aspect of the recession in the agricultural economy.

During the last 2 years, over 15,000 farmers with Farmers Home Administration loans have been forced to liquidate their operations for financial reasons.

Federal credit programs need to be adjusted immediately to prevent additional foreclosures against farm operations who are experiencing temporary financial difficulty through no fault of their own.

The credit portion of the conference report addresses this issue in several ways.

It specifically requires the Department of Agriculture to make the natural disaster emergency loan program available to farmers not now being assisted by that program.

Although the law already contains broad eligibility criteria that require FmHA to make natural disaster emergency loans available based on individual production losses without regard to county disaster designations, the Farmers Home Administration continues to use the county designation system, a system that effectively withholds assistance from some eligible farmers.

The conference report addresses the administrative aspects of this matter by requiring the Farmers Home Administration—if the agency continues, for administrative purposes, to use the county designation procedures rather than consider individual applications on a case-by-case basis—to make emergency loans available based on individual losses to persons in counties contiguous to designated counties.

I will point out that Congress amended the law in 1978 to make natural disaster emergency loans available based on individual losses regardless of whether or not a farmer lives in a designated county. The conference report does not alter the revisions made in 1978. Therefore, nothing in the conference report should be construed as limiting access to the program by individual farmers, regardless of where they reside.

The conference report makes other improvements in the natural disaster emergency loan program and mandates the immediate allocation of an additional $253 million in funding for the economic emergency direct loan program.

Following the decision of the committee of conference last Thursday on the economic emergency program, the administration decided to authorize more direct loans without waiting for passage of this legislation. So, on Friday, the Department of Agriculture released the additional $253 million for economic emergency insured loans called for in the bill. I am pleased that the administration has acted quickly to respond to the conferees' action, but I want to stress that the $253 million in additional direct loan funds bill is a minimum. I believe that, by the time all the applications are processed, it may become clear that out Nation's farmers will need more than that amount.

If so, under the conference report, there is clear authority for the Department of Agriculture to make additional direct economic emergency loans up to the total amount of lending available under the program. I expect the Department of Agriculture to use the authority for additional direct loans, if necessary, to achieve the goals of the program. The $253 million for direct loans is a minimum, not a maximum.

I wish to point out that direct economic emergency loans are repaid at an interest rate that is above the Federal cost of borrowing so there is very little cost, but great benefit to farmers, in the making of such loans. Over 121,000 economic emergency loans have been made in past years and conditions justify reopening the direct loan program immediately.

The conference report also makes improvements in the FmHA farm operating loan program and insures

better credit terms for farmers forced to reamortize or reschedule their FmHA farm loans.

Under the provisions of the conference report, FmHA farm loans will be rescheduled or reamortized at the current or original rate of interest, whichever is lower. There, no doubt, will be cases in which loans with different interest rates are consolidated. In those cases, I would expect the agency to consider blending the interest rates, taking into account the outstanding principal of each loan to be consolidated. Such blending would seem to be an appropriate way to deal with the interest rate differential.

Finally, the conference report will require the Farmers Home Administration to make loans available under the low-income, limited-resource farmer programs. The purpose of this provision is to insure that the Farmers Home Administration fully uses the funds allocated for these programs.

To facilitate this, the Farmers Home Administration will be required to take steps to notify borrowers of the availability of these programs. Press releases, signs in county offices, inserts into scheduled mailings and servicing notices, and individual meetings with borrowers are all appropriate ways for the Farmers Home Administration to provide notification to borrowers of the existence of these programs. In any case, the purpose of the notification provisions is to insure that all Farmers Home Administration farm borrowers, as well as new applicants, be given the opportunity to participate in the limited-resource farmer programs if they qualify.

COMMODITY PROGRAMS

The provisions of the conference report would adjust the target price of wheat for both the 1984 and 1985 crops. For the 1985 crops of feed grains, upland cotton, and rice, target prices would be held at the same level as provided in current law for the 1984 crops.

The conference report establishes the target price for wheat at $4.38 per bushel for both the 1984 and 1985 crops. Without enactment of this legislation, the target price for wheat would rise to $4.65 per bushel next year—more than $1 a bushel above projected market prices.

Because of the substantial excess supply of wheat in prospect with respect to both the 1984 and 1985 crops, the conference report directs the Secretary of Agriculture to establish a paid land diversion program in conjunction with an acreage limitation program for both years. The smaller harvest of wheat under the acreage reduction programs can lead to higher market prices and lower Federal outlays.

The conference report changes the terms of the acreage reduction program for the 1984 crop of wheat previously announced by the administration. The announced program requires that 30 percent of a participating farmer's base acreage be diverted from production without compensation. Under the conference report, up to 30 percent of the farm base acreage must be diverted from production in 1984, but the farmer would receive compensation for 10 percent of the base acreage diverted.

For 1985, participating wheat farmers will have to limit their plantings of wheat to the acreage base for the farm reduced by a total of up to 30 percent—up to 20 percent unpaid and 10 percent paid.

For both crops, one-half the diversion payment would be made to the farmer as soon as practicable after the diversion contract is signed. The diversion payment rate—for both the 1984 and 1985 crops of wheat—will be not less than $2.70 per bushel.

The target prices for the 1985 crops of feed grains, upland cotton, and rice will be set at the levels established for the 1984 crops—$3.03 per bushel of corn, $11.90 per hundredweight of rice, and 81 cents per pound of upland cotton.

There could be acreage reduction programs for the 1985 crops of these commodities depending on the estimated ending inventories—the carryover stocks—of these commodities after the 1984 crops are marketed. If estimated stocks will be excessive, acreage reduction programs, including paid diversions, will be put in place for participating producers.

The 1985 feed grain program must include at least a 5-percent paid diversion if carryover stocks of corn are estimated by the Secretary of Agriculture to exceed 1.1 billion bushels at the end of the 1984 marketing year. The Secretary could also require that up to 10 percent of each farmer's feed grain base acreage be diverted from production without payment. If the Secretary determines that more acreage must be diverted, he could require that an additional 5 percent of each participating farmer's base acreage be set aside from production. The acreage set-aside in excess of 15 percent must be equal parts paid and unpaid. The diversion payment rate for corn will be not less than $1.50 per bushel.

The carryover trigger levels are 3.7 million bales for cotton and 25 million hundredweight for rice.

If the cotton trigger level is reached, the upland cotton program for 1985 would include an acreage reduction provision under which at least 5 percent of each participating farmer's base acreage would be diverted from production under a paid diversion, and up to an additional 20 percent could be required to be set aside under an unpaid diversion program. Any reduction in excess of 25 percent of a farmer's acreage base would be through a paid diversion program.

The minimum diversion payment rate would depend on the upland cotton carryover level. If it is over 4.7 million bales, the minimum rate will be 35 cents per pound; if the carryover is less than that, but over 4.1 million bales, the minimum rate will be 30 cents per pound; and if the carryover is more than 3.7 million bales, but not more than 4.1 million bales, the minimum rate will be 27.5 cents per pound.

If the rice trigger level is reached, the rice program for 1985 would include an acreage reduction provision under which at least 25 percent of each participating farmer's base acreage would be diverted from production, with at least 5 percent a paid diversion.

The minimum diversion payment rate for rice would depend on the rice carryover level. If rice carryover exceeds 42.5 million hundredweight, the minimum rate would be $3.50 per hundredweight; if the carryover is less than that but more than 35 million hundredweight, the minimum rate would be $3.25 per hundredweight; and if the carryover is more than 25 million hundredweight but not more than 35 million hundredweight, the minimum rate will be $2.70 per hundredweight.

AGRICULTURAL EXPORTS

The administration has agreed to take several actions to expand overseas use of U.S. agricultural products, as a complement to the commodity provisions of this legislation. These steps are described in the conference report, and the sense of Congress is expressed that they should be taken.

The additional allocation of export credit guarantees will be $500 million in fiscal year 1984 and $1.1 billion in fiscal year 1985. This additional allocation for agricultural export credit guarantees will bring the total available in fiscal year 1984 to more than $4.5 billion and will set the fiscal year 1985 level at $4.1 billion. These higher program levels have been advocated by many farm groups who argue that adequate export credit guarantees must be available if the United States is to maintain foreign markets.

Also, as described in the conference report, the administration will use an additional $100 million in fiscal year 1985 for direct agricultural export credits. Such direct export credits have been used in the blended credit program of the past 2 years. The added direct credits could be used for blended credit or for other purposes, such as an intermediate-term credit program that would extend the payback period for loans.

Further, the administration will support additional funding for the Food-for-Peace (Public Law 480) program. The additional funding will amount to

$150 million in fiscal year 1984 and $175 million in fiscal year 1985.

The conference report provides for the establishment of a 2-year pilot program under which the Commodity Credit Corporation will use surplus dairy products to acquire, through barter or exchange, 40,000 metric tons of ultrahigh temperature processed fluid milk for donation to needy persons outside the United States.

Under the conference report, the Secretary of Agriculture will be given authority under section 416 of the Agricultural Act of 1949 to donate wheat—as he now can donate dairy products—to needy persons in foreign countries. Also, the donated commodities could be bartered or sold, with the proceeds to be used for activities consistent with providing food assistance to needy people. Commodities could be donated through title II of Public Law 480 under expedited procedures. The donated commodities could be provided under multiyear agreements; and the Commodity Credit Corporation would be authorized to pay transportation, reprocessing, packaging, and similar costs associated with such donations.

SOIL AND WATER RESOURCE CONSERVATION

I am disappointed that the conferees did not take advantage of an opportunity to strengthen this legislation by accepting a very modest conservation proposal offered by Congressman ED JONES and supported by the House conferees.

Congressman JONES' conservation proposal consisted of three provisions. The first and most significant provision was what is referred to as the sodbuster initiative. A number of persons have advocated this initiative and the Senate has already approved similar legislation.

The second provision would require the Department of Agriculture to conduct a feasibility study of a program under which farmers who voluntarily set aside cropland may qualify to have such cropland maintained in their normal acreage base for purposes of eligibility under future farm programs.

The third provision would authorize a $25 million conservation reserve program under which highly erodible cropland could be put into long-term conservation uses.

It is all too easy to talk about the importance of addressing our Nation's soil and water conservation programs but very few besides Congressman JONES have developed innovative and realistic approaches to protecting our Nation's most valuable asset.

I commend Congressman JONES for his leadership on this issue.

CONCLUSION

H.R. 4072 will make needed adjustments in programs of vital importance to our Nation's farmers. I urge my colleagues to join me in supporting the adoption of the conference report.●

● Mr. BOREN. Mr. President, I rise in support of final passage of H.R. 4072, the Agricultural Programs Adjustment Act of 1984. Almost 11 months ago, we began to discuss the 1984 wheat program. Finally, we have produced a bill which can get through both Houses of Congress and can be enacted into law. It is imperative that we enact this legislation immediately. Farmers in my home State of Oklahoma will be harvesting their 1984 crop wheat in another month and a half. Farmers needed to know last year whether they were going to be allowed haying and grazing on set-aside acres past the cutoff date. We must not wait any longer to get this legislation enacted.

While this legislation is not perfect, it will prevent the situation from deteriorating any further. I urge my colleagues to support this vital legislation.●

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF DONALD D. ENGEN AS ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Chair lay before the Senate Calendar Order No. 731, S. 2392, a bill to authorize the President to appoint Donald D. Engen to the office of Administrator of the Federal Aviation Administration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2392) to authorize the President to appoint Donald D. Engen to the office of Administrator of the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, the Senate will proceed with immediate consideration.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 2392

Be it enacted by the Senate and House of Representatatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the consent of the Senate, is authorized to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration. Mr. Engen's appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that the Act of August 19, 1964, Public Law 88-448 (the Dual Compensation Act), as amended (5 U.S.C. 5531, et seq.), affects the amount of retired pay to which he is entitled by law during his service in the Office of Administrator of the Federal Aviation Administration. So long as he holds the Office of Administrator of the Federal Aviation Administration, Mr. Engen shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Navy, and shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy, and shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, and office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of the Dual Compensation Act, as amended.

SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, Mr. Engen shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Navy.

SEC. 3. It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military persons to the Office of Administrator of the Federal Aviation Administration in the future.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR REFERRAL—S. 1739

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 625, S. 1739, be referred to the Committee on Energy and Natural Resources for not to extend beyond Friday, April 27, 1984, for consideration of section 217, section 224, title VI, section 701 (b)(10) and title IX.

Further, I ask unanimous consent that any conferees appointed by the Senate to represent the views of the Energy Committee be limited in their participation to those above-mentioned provisions and that the number of Energy Committee Conferees be limited to 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary reported that on April 30, 1984, he had presented to the President of the United States the following enrolled bill:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2939. A communication from the President of the United States, transmitting a report on the extent to which 1985 budget programs and policies meet standards in the Statement of Policy and recommended program for soil and water conservation programs sent to Congress on December 21, 1982; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2940. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's seventh special message proposing seven new deferrals; jointly, to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on the Judiciary.

EC-2941. A communication from the clerk of the U.S. Claims Court transmitting, pursuant to law, the court's judgment order for the plaintiffs in American Indians Residing on the Maricopa-AK Chin Reservation against the United States; to the Committee on Appropriations.

EC-2942. A communication from the General Counsel of the Department of Transportation transmitting, pursuant to law, budget requests on behalf of the Federal Aviation Administration for fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

EC-2943. A communication from the chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, comments of the Advisory Council on the Proposed Presidential Parkway, Atlanta, Ga.; to the Committee on Environment and Public Works.

EC-2944. A communication from the President of the United States transmitting, pursuant to law, a report on his decision to terminate U.S. forces participation in the Multinational Force in Lebanon; to the Committee on Foreign Relations.

EC-2945. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report on actions taken to recruit and train Indians to qualify for positions subject to Indian preference; to the Committee on Indian Affairs.

EC-2946. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on calendar year 1983 actions by NASA under Public Law 85-804; to the Committee on the Judiciary.

EC-2947. A communication from the Assistant Attorney General of the U.S. (Antitrust Division), transmitting, pursuant to law, a report on competition in the coal industry; to the committee on the Judiciary.

EC-2948. A communication from the Assistant Attorney General of the U.S. (Legislative Affairs), transmitting, pursuant to law, a report on activities initiated under the Civil Rights of Institutionalized Persons Act during fiscal year 1983; to the Committee on the Judiciary.

EC-2949. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation extending and amending programs under the Native American Programs Act; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-577. A resolution adopted by the Nitijela of the Marshall Islands; to the Committee on Appropriations.

"A RESOLUTION

"Whereas, the College of Micronesia was designated a land-grant college by the United States Higher Education Act of 1980 (United States Public Law No. 96-374); and

"Whereas, in lieu of the College of Micronesia receiving federal land from the United States Congress in the said law authorized an appropriation of $3 million to be placed in a trust fund as an endowment for the College of Micronesia, with the interest from such trust fund to be available to the College of Micronesia for its various programs and projects related to agriculture and other permitted fields of study; and

"Whereas, the College of Micronesia has entered into a Memorandum of Understanding with the United States Department of Agriculture regarding extension services in agriculture and home economics in Micronesia pursuant to the Smith-Lever Act and other applicable laws; and

"Whereas, the College of Micronesia Cooperative Extension Service has entered into a Project Agreement with the Extension Service of the United States Department of Agriculture regarding the organization and administration of the Cooperative Extension Program pursuant to the Smith-Lever Act and other applicable laws; and

"Whereas, the College of Micronesia has established an Agricultural Experiment Station; and

"Whereas, the College of Micronesia has established a College of Tropical Agriculture and Sciences; and

"Whereas, it is the sense of the Nitijela that the College of Micronesia has done all that it has been requested to do so as a result of its designation as a land-grant college; now therefore

Be it resolved, by the People of the Marshall Islands, through their Nitijela in its 5th Constitutional Regular Session, 1984, that the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Education, the Secretary of the United States Department of Interior, and the United States Congress be hereby respectfully requested to take all steps necessary to expedite the appropriation of the $3 million authorized by the United States Higher Education Act of 1980 to be used as an endowment for the College of Micronesia as a land-grant college; and

"Be it further resolved that the Speaker transmit certified copies of this Resolution to the Secretry of the United States Department of Agriculture; to the Secretary of the United States Department of Education; to the Secretary of the United States Department of the Interior; to the Speaker of the House of Representatives and the following Congressmen: Donald E. Young, Robert J. Lagomarsino, Antonio B. Pat, John F. Seiberling, and Sala Burton; and to the Presiding Officer of the Senate and the following Senators: James A. McClure, J. Bennett Johnston, Spark M. Matsunaga, and Daniel K. Inouye."

POM-578. Joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Title II of the Federal Indian Child Welfare Act of 1978 (Public Law 95-608) authorized the United States Secretary of the Interior to make grants to Indian tribes and organizations for the establishment and operation of Indian child and family service programs; and

"Whereas, More than 201,000 American Indians, a larger number than in any other state, are residents of California, and the state includes approximately 82 federally recognized Indian tribes; and

"Whereas, California's share of funds made available under Title II of the Indian Child Welfare Act has substantially decreased over the past three fiscal years; and in fiscal year 1982 the allocation of these funds to Indian people in California was decreased by 40 percent when the total appropriation for the act was only decreased by 4 percent; and

"Whereas, In fiscal year 1984 California's appropriation was again decreased, and in fiscal year 1985 the United States Bureau of Indian Affairs is proposing to further reduce funding despite the documented need for the program services provided by the federal act; and

"Whereas, This decrease is based on the decision to discontinue the provisions of grants to off-reservation programs, although these programs are important to urban as well as to rural residents because other services are not tailored to the special needs of Indians; and

"Whereas, The United States Senate Select Committee on Indian Affairs, pursuant to the Congressional Budget Act of 1974, has recommended that the Indian Child Welfare Program be continued both on and off the reservation with an increase in funding from the present $8.7 million to $12 million; and

"Whereas, To again reduce California's allocations of funds under Title II would result in the loss of important child welfare and social services and inflict a serious injustice on the Indian population of this state; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase the appropriation for Title II of the Indian Child Welfare Act of 1978 to $12 million as recommended by the Senate Select Committee on Indian Affairs, in order to more adequately meet the needs of American Indians in California and throughout the nation, and to continue funding of all Title II programs both on and off the reservation; and be it further

"Resolved, That the President and the Congress of the United States direct the Bureau of Indian Affairs to restore to the Indian people in California an equitable share of funding under Title II based upon population and need and the supplemental hearings be held to increase California's allocation of Title II funds for fiscal year 1985; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to

the Preident and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-579. A resolution adopted by the Governors of the Thirteen Appalachian States relating to the FY 1985 Appalachian Regional Commission budget proposal recently transmitted to Congress by Governor Harry Hughes of Maryland; to the Committee on Environment and Public Works.

POM-580. A resolution adopted by the Senate of the State of Washington; to the Committee on Environment and Public Works.

"SENATE RESOLUTION 1984-129

"Whereas, Grays Harbor is the State of Washington's only deep water port on the outer coast; and

"Whereas, The navigation channel serving the maritime interests in the Port of Grays Harbor is an important part of Washington State's transportation system, which includes highway and rail, as well as water; and

"Whereas, The Grays Harbor navigation channel is a vital link in the transport of products from private, state, and federal forests, to foreign markets; and

"Whereas, Grays Harbor continues to be a major transshipment center for forest products to Japan, Korea, and the People's Republic of China. In fact, in 1983 Grays Harbor shipped the largest volume of forest products to mainland China of any United States port; and

"Whereas, With the existing landside transportation system, including two mainline railroads and major state highways, the Grays Harbor navigation channel can play an even more important role in the future through expanded shipment of commodities from throughout the western half of the United States; and

"Whereas, In this total regard, the Grays Harbor navigation channel together with its routine maintenance and periodic improvements are critical to the economy of multiple counties in southwestern Washington State and, potentially, to multiple states throughout the western United States; and

"Whereas, In order for Gradys Harbor to remain a viable seaport, the navigation facilities must be able to serve increasingly larger, more economical vessels; and

"Whereas, On July 9, 1965, the port of Grays Harbor requested that a study of the feasibility of widening and deepening the Grays Harbor navigation channel be undertaken by the United States Army Corps of Engineers; and

"Whereas, The United States Army Corps of Engineers has completed the feasibility study and final environmental impact statement on the proposal to widen and deepen the Grays Harbor navigation channel from −30 feet to −38 feet; and

"Whereas, Both of these reports were carefully reviewed and approved by the United States Corps of Engineers' board of engineers for rivers and harbors on December 14, 1982; and

"Whereas, The Department of the Army, Office of the Chief of Engineers has yet to act on the board of engineers' recommendation for approval of the Grays Harbor navigation improvement project;

"Now, therefore, be it resolved, By the Senate of the State of Washington, That Congress is requested to take action to move the Grays Harbor navigation improvement project forward by requiring the Secretary of the Army to deliver to the Congress any and all studies, reports, and conclusions regarding the Grays Harbor project, and that Congress enact appropriate laws instructing the United States Army Corps of Engineers to proceed as expeditiously as practicable with the final engineering, design, and construction of the Grays Harbor navigation improvement project; and

"Be it further resolved, That copies of this resolution be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-581. A resolution adopted by the Council of the City of Niagara Falls, New York relating to any new diversion of Great Lakes water for use outside the Great Lakes basin; to the Committee on Environment and Public Works.

POM-582. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"SENATE JOINT MEMORIAL NO. 107

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

"Whereas, the United States sheep industry has been an integral historic part of the agricultural economy of Idaho and of the nation; and

"Whereas, the United States stock sheep industry, as of January 1, 1984, has the lowest number of sheep since estimates were started in 1867, with Idaho's sheep population showing a similar decline from 2.3 million head in 1920 to 355,000 head in 1984; and

"Whereas, the sheep industry contributes substantially to the American economy and to production of food and fiber; and

"Whereas, the sheep industry, which is nonpolluting and utilizes a rapidly renewing resource, is in grave danger of collapse due to problems, of which one notable problem is the lack of control of foreign lamb imports during key periods into key areas of the United States; and

"Whereas, the other major and minor domestically produced red meats, especially beef, veal, mutton and goat meat, are protected by congressionally mandated import quotas; and

"Whereas, the sheep industry of this country cannot stand another year of breaking the lamb market with excessive dumping of subsidized New Zealand lamb cuts during key periods in key American markets, which unfairly compete with domestic lamb sales; and

"Whereas, it has been reported that New Zealand is deliberately and cleverly analyzing our domestic sheep industry and market so as to cause weakening.

"Now, therefore, be it resolved, By members of the Second Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that for the immediate future, the President of the United States and the Congress of the United States, direct the United States Department of Commerce to intervene immediately to petition the International Trade Commission to cause New Zealand to forthwith cease and desist the dumping of lamb cuts stored in freezer lockers in this country on key American markets during key periods, causing a devastating impact on the domestic market such as occurred in the spring and summer of 1983.

"Be it further resolved That the United States Congress is hereby urged to pass import quota legislation dealing with lamb specifically, which would effectively protect the sheep industry of Idaho and the nation from the indiscriminate importation and/or dumping of foreign produced lamb into this nation's wholesale and retail markets.

"Be it further resolved That the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of Commerce, the Secretary of Agriculture, the President of the Senate and the Speaker of the House of Representatives of Congress, the Chairman of the Senate Agriculture and House Agriculture Committees in Congess, the congressional delegation representating the State of Idaho in the Congress of the United States, the Chairman of the International Trade Commission, and to the Governors of the western states."

POM-583. A resolution adopted by the Italian-American Labor Council, Inc. relating to the Trade Act; to the Committee on Finance.

POM-584. A resolution adopted by the Italian-American Labor Council, Inc. relating to N.A.T.O.; to the Committee on Foreign Relations.

POM-585. Joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Foreign Relations.

"ENROLLED JOINT RESOLUTION NO. 1

"Whereas the Province of Taiwan is of great strategic importance in the defense of East Asia and the Pacific; and

"Whereas the people of Taiwan are and have been among the most trusted friends of the people of the United States; and

"Whereas the commercial, cultural and other nongovernnmental relations between the American people and Taiwan are now and have always been excellent and mutually beneficial; and

"Whereas the people of Wyoming wish to conduct and carry out numerous economic and cultural programs, transactions and other relations with the people of Taiwan; and

"Whereas Wyoming products are continually essential for maintaining the trade patterns which are developing between the United States and Taiwan; and

"Whereas the Legislature has strong reason to believe that it is the will and pleasure of the people of this State that Taiwan be adopted as a sister state.

"Now, therefore, be it resolved by the members of the Legislature of the State of Wyoming:

"SECTION 1. The Province of Taiwan is hereby adopted as Wyoming's sister state.

"SEC. 2. The Legislative Service Office shall forward a copy of this Resolution to the President of the United States of America, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Chief Executive Officer of the Government of the Province of Taiwan and to the Speaker of the Provincial Legislature of Taiwan."

POM-586. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Foreign Relations.

"HOUSE RESOLUTION No. 13

"Whereas the reliable performance of the strategic bombers and the heroic performance of their crews contributed greatly to the successful conclusion of World War II; and

"Whereas the B-17 was the most durable and dependable strategic bomber during that war; and

"Whereas after 40 years it is appropriate that the B-17 bomber and its men be recognized by the issuance of a commemorative postage stamp by the United States Postal Service; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana,

"SECTION 1. That we request the United States Postal Service to issue a stamp during 1984 or 1985 to commemorate the service of the B-17 bombers and their crews.

"SEC. 2. That copies of this Resolution be sent to the Postmaster General, the presiding officers and the majority and minority leaders of both Houses of Congress, and to each member of Congress representing the people of Indiana."

POM-587. A resolution adopted by the City Commission of Miami, Florida urging Congress to recognize as legal United States residents those Haitians who have fled their homeland and are now seeking refuge in this country; to the Committee on the Judiciary.

POM-588. A resolution adopted by the Italian-American Labor Council, Inc., relating to the Immigration Reform Act of 1965; to the Committee on the Judiciary.

POM-589. A resolution adopted by the City Commission of Miami, Florida relating to Cubans entering this country; to the Committee on the Judiciary.

POM-590. Joint resolution adopted by the General Assembly of the State of Iowa; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION 2

"Whereas, the Ninety-fifth Congress of the United States has passed a joint resolution proposing an amendment to the Constitution of the United States to provide for representation of the District of Columbia in the Congress; and

"Whereas, this joint resolution passed the House of Representatives of the United States on March 2, 1978, passed the Senate of the United States on August 22, 1978, and now has been submitted to a vote of the states and reads:

"JOINT RESOLUTION

"Proposing an Amendment to the Constitution To Provide for Representation of the District of Columbia in the Congress.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

"Be it resolved by the General Assembly of the State of Iowa, That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the general assembly thereof; and

"Be it further resolved, That the governor of the state of Iowa forward certified copies of this resolution over the seal of the State of Iowa to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, to the speaker of the House of Representatives of the United States, and to the administrator of the United States general services administration."

POM-591. A resolution adopted by the City Commission of Miami, Florida, relating to the refugees from Nicaragua; to the Committee on the Judiciary.

POM-592. A resolution adopted by the senate of the State of Pennsylvania; to the Committee on Environment and Public Works.

"RESOLUTION

"Whereas, Approximately 500,000 people in northeastern Pennsylvania are suffering from an outbreak of giardiasis, a dysentery-like illness caused by giardia, a water-borne protozoan carried into water supplies by hibernating beaver; and

"Whereas, The western Pennsylvania community of McKeesport is also trying to control and correct an outbreak of giardiasis; and

"Whereas, Control and correction of giardia-infested water supplies could be aided greatly by Environmental Protection Agency intervention; and

"Whereas, The EPA has not intervened because it does not recognize giardia as a water pollutant; therefore be it

"Resolved, That the Senate memorialize Congress to direct the Environmental Protection Agency to recognize giardia as a water pollutant; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-593. A resolution adopted by the house of representatives of the State of Wyoming; to the Committee on Environment and Public Works.

"ENROLLED JOINT RESOLUTION No. 3

"Whereas, recent scientific studies suggest a direct relationship between man-made sulphur dioxide air emissions and acid rain, and these studies have been limited to the Midwest and Northeast regions of the country; and

"Whereas, Congress is considering H.R. 3400 which mandates the high-cost control method to the exclusion of other, less costly strategies and proposes to spread the costs of these controls nationwide through a tax on consumers of all nonnuclear electricity; and

"Whereas, this legislation would force western electricity rate payers, who in many cases are already paying for technological emission controls based upon standards developed for eastern coal; and

"Whereas, under this legislation, electricity consumers in the west would pay disproportionately more into the acid rain control program than will consumers in the midwest and the east; and

"Whereas, a reasonable, cost-effective acid rain control program should be designed to protect both the consumer and producer; and

"Whereas, the state of Wyoming fully supports the goal of improved air quality without severe restrictions on economic growth;

"Now, therefore, be it resolved by the members of the legislature of the State of Wyoming:

"SECTION 1. That the legislature supports and recommends consideration of an acid rain control program which:

"(a) Achieves early, but cost-effective emission reductions at the most obvious sources without mandating specific technological controls, and encourage continued research and development of the most cost-effective long-term solutions to the acid rain problem; and

"(b) Allocates the cost of the solution to those primarily responsible for the problem. Legislation should credit rather than penalize states, utilities and their consumers which have already reduced emissions.

"SEC. 2. That the Secretary of State forward copies of this resolution to: the President of the United States; the President of the Senate and the Speaker of the House of Representatives of the United States Congress; each member of Wyoming's congressional delegation; and the Administrator of the Environmental Protection Agency."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 356. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4835.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2522. An original bill to permit credit unions to take action to strengthen the national credit union share insurance fund, to change the tax status of the central liquidity facility, and to eliminate fees for payroll deductions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABDNOR:

S. 2516. A bill to provide for a graduated reduction of the budget deficit of the Federal Government; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one committee reports, the other committee has thirty days of continuous session to report or be discharged.

By Mr. HUMPHREY (for himself and Mr. BURDICK):

S. 2517. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WEICKER:

S. 2518. A bill for relief of Therese Nyuwir Poupele Kpoda; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. TOWER, Mr. GOLDWATER, Mr. JEPSEN, Mr. TRIBLE, and Mr. THURMOND):

S. 2519. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for certain expenses incurred by a member of a uniformed service of the United States, or by a minister, who receives a housing or subsistence allowance; to the Committee on Finance.

By Mr. PRESSLER:

S. 2520. A bill to provide authorization of appropriations for the United States Travel and Tourism Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 2521. A bill to authorize appropriations for the National Science Foundation for fiscal year 1985; to the Committee on Labor and Human Resources.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2522. A bill to permit credit unions to take action to strengthen the National Credit Union Share Insurance Fund, to change the tax status of the Central Liquidity Facility, and to eliminate fees for payroll deductions; placed on the calendar.

By Mr. GORTON (for himself and Mr. PACKWOOD):

S. 2523. A bill to amend the Magnuson Fishery Conservation and Management Act regarding allocation of allowable levels of foreign fishing; to the Commttee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABDNOR:

S. 2516. A bill to provide for a graduated reduction of the budget deficit of the Federal Government; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

DEFICIT REDUCTION ACT

Mr. ABDNOR. Mr. President, the current budget situation, with annual deficits projected to run about $180 billion for the next several years under even relatively optimistic economic assumptions, should cause every Member of Congress great concern.

Unless those deficits can be reduced dramatically, Government demands for credit will continue to crowd out private borrowing to an ever-increasing extent. The result will be high interest rates escalating even higher, and a general slowing of the economy. Huge budget deficits are also a major factor contributing to current record trade deficits. By keeping the dollar overvalued relative to foreign currencies, we are, in effect, giving a tremendous subsidy to foreign industry at the direct expense of our own industrial and agricultural sectors.

The situation demands action and demands it now. We simply cannot afford to wait. Last year we spent nearly $90 billion on interest; this year it is going to be over $100 billion. The situation is seriously deteriorating and unless we take immediate action, compounding interest costs are going to push us beyond the point of no return.

During the last couple of years, we have seen a real turnaround in the economy. Inflation is way down. From a 1979 high over 13 percent, the 1983 was 3.8 percent, the lowest since 1972. Employment is up. As a matter of fact, last month almost 104 million Americans were employed. That is a record number, and since the 1982 recession, over 4 million Americans have been put to work. And just as important, Americans are taking home more buying power for the first time in years. After floundering since 1979, inflation adjusted, after-tax per capita disposable income rose 2.3 percent in 1983.

But, if the recovery is to continue, reasonable rates and an improved trade balance are essential. Continued massive budget deficits will make both impossible. Accordingly, I am introducing legislation to put more teeth into the budget process and commit the Federal Government to making measured progress in reducing deficits.

The problem with the current budget process is that nothing mandates that the deficit be reduced, nor that Congress live within any budget it establishes. Budget waivers seem to be a dime a dozen, and we failed even to come up with a reconciliating bill for this fiscal year. While the adoption in 1974 of the current budget process was a valiant attempt by Congress it impose some measure of self-discipline, it simply did not go far enough.

The bill which I am introducing would modify the budget process along the following lines:

Congress would be committed to adopting a budget which will reduce the fiscal year 1985 budget deficit about $29 billion below the fiscal year 1983 level, and continue further reductions each year until 1994 when deficits would be eliminated. During the first 2 years at least two-thirds of the reduction in the deficit—relative to baseline levels—must be in the form of spending reductions. Thereafter, spending reductions would be at least equal to revenue increases.

If Congress fails to meet the deficit target, the President would propose rescissions of budget authority sufficient to comply with the target but could propose reducing no area more than 10 percent, with any additional proposed reductions coming across-the-board. Congress, through a fast-track reconciliation process, could modify the President's proposed rescissions in any way it chooses.

But, if necessary changes are not promptly enacted, the President would be authorized to implement his original proposals with respect to areas of discretionary spending, and would be required to institute additional across-the-board reductions in all areas of spending—except interest on the debt, if necessary to meet the year's deficit reduction target.

The principles behind this legislation are simple. Congress should be willing to commit itself to making measured progress in reducing deficits and be willing to live within the budget it adopts. Congress should rely primarily on spending reductions in the short term and should balance any increases in taxes with additional spending cuts in the long run. If Congress shirks its responsibilities, then and only then, the President would have carefully limited discretion to decide where to make spending reductions. Unless it proves necessary to reduce every area of Government spending, no program could be reduced more than 10 percent by the President without congressional approval.

This legislation is not intended to be a cure-all for our current budget crisis. I personally remain committed to a constitutional amendment which would mandate a balanced budget as a permanent solution to the problem. In addition, it is encouraging to have on the table for consideration the so-called Republican deficit downpayment package. This is the sort of serious effort at a reasonable compromise which the current situation demands.

In the meantime, adopting legislation such as that which I am now introducing is necessary to keep deficits from getting further out of hand. If I had my way, we would reduce deficits much quicker than the schedule of targets contained in this bill. However, this is an honest attempt at a compromise which takes the admittedly painful but necessary first step in dealing with the defict problem.

I want to assure my colleagues that the modifications to the budget process which this bill contains leave to Congress the initiative in budgetary matters. If Congress takes the bull by the horns and does its job in the first instance, by adopting a budget which meets the deficit target and then sticking to it, the President would not be involved any more than the is today. If Congress fails to meet the target, the President can say how he would do the job, but Congress again would get a chance to modify his proposals before they take effect. In addition, the President would have no discretion to alter benefit levels or eligibility standards for entitlement programs unless Congress agrees by enacting

those changes into law. Rather, the entitlements are subject to an across-the-board reduction only as a last resort and only when every other area of Government spending is reduced by an identical proportion; that is, the proportion needed to meet the deficit target.

Obviously, there are some programs that no one wants to see cut. On the other hand, there are others that could readily be scaled back or even eliminated with little real harm to anyone. While this legislation does not specify where reductions will be made, it does commit us to a solution to the problem one way or another. Adopting this legislation would mean Congress either could act in the best interest of all Americans and make the tough decisions that its Members are elected to make, or it could let the problem be dealt with by the President by default. I would hope that through this sort of plan we, as a Congress, would be prodded into dealing with the budget crisis in a forthright manner and according to our own priorities. We were elected to do a job; we had better start doing it.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deficit Reduction Act".

SEC. 2. (a) Title III of the Congressional Budget Act of 1974 is amended by inserting after section 301 the following new section:

"LIMITS ON BUDGET DEFICIT

"SEC. 301A. (a) IN GENERAL.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to vote on the question of agreeing to any concurrent resolution on the budget or any amendment thereto or any conference report thereon for the fiscal year beginning October 1, 1984, or for any subsequent fiscal year, if the adoption of such concurrent resolution, such amendment, or such concurrent resolution in the form recommended in such conference report, would cause—

"(1) the amount of the deficit set forth as appropriate for such fiscal year in such concurrent resolution to exceed the maximum deficit amount specified for such fiscal year in subsection (b); or

"(2)(A) the recommended amount by which the revenues of the Federal Government should be increased for such fiscal year, as set forth in such concurrent resolution, to exceed an amount equal to 50 percent (33 percent in the case of fiscal years beginning after September 30, 1984, and before October 1, 1986) of the amount (if any) by which the current services deficit for such fiscal year exceeds the deficit amount set forth as appropriate for such fiscal year in such concurrent resolution, or

"(B) the recommended amounts by which current services budget authority provided for such fiscal year, and current services spending authority effective in such fiscal year are to be reduced, as set forth in such concurrent resolution, to be insufficient to reduce current services outlays during such fiscal year by an amount not less than 50 percent (67 percent in the case of fiscal years beginning after September 30, 1984, and before October 1, 1986) of the amount (if any) by which the current services deficit for such fiscal year exceeds the deficit amount set forth as appropriate for such fiscal year in such concurrent resolution.

"(b) PROCEDURE.—A point of order raised pursuant to subsection (a) may be raised only at the conclusion of debate and before a vote is taken on a concurrent resolution on the budget, an amendment thereto, or a conference report thereon. If any such point of order is sustained by the presiding officer of the House in which it is raised, an affirmative vote of two/thirds of the Members of such House duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of such a point of order is not subject to a motion to table.

"(c) WAIVER PROHIBITED.—The provisions of this section may not be waived pursuant to section 904(b).

"(d) INAPPLICABILITY IN TIME OF WAR.—In any fiscal year in which a declaration of war is in effect, the provisions of subsection (a) shall not apply to—

"(1) any concurrent resolution on the budget that is considered pursuant to section 304 and revises the concurrent resolution on the budget most recently agreed to for such fiscal year, and

"(2) any concurrent resolution on the budget considered during such fiscal year for the fiscal year succeeding such fiscal year if a declaration of war will be in effect during such succeeding fiscal year.

"(e) DEFINITIONS.—For purposes of subsection (a)—

"(1) the term 'maximum deficit amount' means, with respect to any fiscal year, an amount equal to the product obtained by multiplying the amount of the deficit for the fiscal year ending September 30, 1983, by the applicable percentage;

"(2) the term 'deficit' means, with respect to any fiscal year, the amount by which the amount of total budget outlays of the Federal Government for such fiscal year exceeds the amount of the total revenues of the Federal Government for such fiscal year; and

"(3) the term 'applicable percentage' means—

"(A) with respect to the fiscal year beginning October 1, 1984, 85 percent;

"(B) with respect to the fiscal year beginning October 1, 1985, 70 percent;

"(C) with respect to the fiscal year beginning October 1, 1986, 55 percent;

"(D) with respect to the fiscal year beginning October 1, 1987, 45 percent;

"(E) with respect to the fiscal year beginning October 1, 1988, 35 percent;

"(F) with respect to the fiscal year beginning October 1, 1989, 25 percent;

"(G) with respect to the fiscal year beginning October 1, 1990, 15 percent;

"(H) with respect to the fiscal year beginning October 1, 1991, 10 percent;

"(I) with respect to the fiscal year beginning October 1, 1992, 5 percent; and

"(J) with respect to the fiscal year beginning October 1, 1993, and each succeeding fiscal year, zero percent.".

(b)(1) Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622) is amended by adding at the end thereof the following new paragraphs:

"(6) The term 'current services deficit' means, with respect to any fiscal year, the amount by which the amount of current services outlays of the Federal Government for such fiscal year exceeds the amount of current law revenues of the Federal Government for such fiscal year.

"(7) The term 'current services budget authority' means, with respect to any fiscal year, the total amount of budget authority which would be necessary to carry out programs and activities of the Federal Government during such fiscal year at the same level as such programs and activities were carried out in the preceding fiscal year without any policy change (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(8) The term 'current services outlays' means, with respect to any fiscal year, the total amount of outlays which would be necessary to carry out programs and activities of the Federal Government during such fiscal year at the same level as such programs and activities were carried out in the preceding fiscal year without any policy changes (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(9) The term 'current services spending authority' means, with respect to any fiscal year, the total amount of spending authority described in section 401(c)(2)(C) which would be necessary to be effective in such fiscal year to carry out programs and activities of the Federal Government during that fiscal year without policy changes and at the same level as such programs and activities were carried out during the preceding fiscal year (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(10) The term 'current law revenues' means, with respect to any fiscal year, the total amount of revenues that would be received by the Federal Government in such fiscal year if no law were enacted to change the amount of revenues received in the Treasury during such fiscal year (as determined on the basis of estimates made by the Director of the Congressional Budget Office)."

(2) Subsection (b) of section 904 of such Act (2 U.S.C. 621 note) is amended by striking out "or IV" and inserting in lieu thereof "(except section 301A) or title IV".

(3) The table of contents in subsection (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) is amended by inserting after the item relating to section 301 the following new item:

"Sec. 301A. Limits on budget deficit.".

SEC. 3. (a) Section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended to read as follows:

"DEFICIT REDUCTION PROCEDURE

"SEC. 310. (a) IN GENERAL.—Any concurrent resolution on the budget considered under section 301 or section 304 for a fiscal year shall, to the extent necessary, specify—

"(1) the total amount by which—

"(A) current services budget authority provided for such fiscal year under laws enacted before the date of adoption of such concurrent resolution;

"(B) new current services budget authority authorized to be enacted for such fiscal year;

"(C) current services outlays for such fiscal year that are associated with the current law budget authority referred to in subparagraphs (A) and (B); and

"(D) current services spending authority described in section 401(c)(2)(C) for such fiscal year;

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount and to report such determinations and recommendations in accordance with subsection (b) by a date specified in such concurrent resolution;

"(2) specify the amount by which budget authority initially provided for fiscal years preceding such fiscal year, and budget outlays associated with such budget authority, contained in laws, bills, and resolutions within the jurisdiction of a committee are to be changed and direct that committee to determine and recommend changes to accomplish a change of each such total amount and to report such determinations and recommendations in accordance with subsection (b) by a date specified in such concurrent resolution;

"(3) specify the total amount by which current law revenues for such fiscal year are to be changed and direct the committees having juridiction to determine and recommend changes in the laws, bills, and resolutions to accomplish a change of such total amount and to report such determinations and recommendations in accordance with subsection (b) by a date specified in such concurrent resolution;

"(4) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change and to report such recommendations in accordance with subsection (b) by a date specified in such concurrent resolution; and

"(5) specify and direct any combination of the matters described in paragraphs (1), (2), (3), and (4).

"(b) DEFICIT REDUCTION MEASURES.—

"(1) IN GENERAL.—If a concurrent resolution on the budget is agreed to which, in accordance with subsection (a), contains directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

"(A) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and shall, by the date specified pursuant to subsection (a), report to its House a deficit reduction bill or a deficit reduction resolution, or both, containing such recommendations; or

"(B) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a deficit reduction bill or deficit reduction resolution, and shall, by the date specified pursuant to subsection (a), report such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a deficit reduction bill or deficit reduction resolution, or both, carrying out all such recommendations without any substantive revision.

"(2) DEFINITION.—For purposes of this subsection, a deficit reduction resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and joint resolutions which have not been enrolled.

"(c) COMPLETION OF DEFICIT REDUCTION PROCESS.—Congress shall complete action on any deficit reduction bill or deficit reduction resolution reported under subsection (b) not later than 60 days after the adoption of the concurrent resolution requiring such bill or resolution to be reported.".

(b)(1) The table of contents in subsection (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note), as amended by section 2(b)(3), is further amended—

(A) by striking out "Adoption of first concurrent resolution" in the item relating to section 301 and inserting in lieu thereof "Annual adoption of concurrent resolution";

(B) by striking out "First concurrent resolution" in the item relating to section 303 and inserting in lieu thereof "Concurrent resolution"; and

(C) by striking out "Second required concurrent resolution and reconciliation process" in the item relating to section 310 and inserting in lieu thereof "Deficit reduction procedure".

(2) Paragraph (4) of section 3 of such Act (2 U.S.C. 622) is amended—

(A) by adding "and" after the semicolon at the end of subparagraph (A);

(B) by striking out subparagraph (B); and

(C) by striking out "(C) any other" and inserting in lieu thereof "(B) a".

(3) Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended—

(A) by striking out "first" in the item relating to April 15 and in the second item relating to May 15;

(B) by striking out the items relating to September 15 and September 25; and

(C) by inserting after the item relating to May 15 the following new item:

"July 15.....	Congress completes action on deficit reduction bill or deficit reduction resolution, or both, implementing concurrent resolution on the budget.".

(4) (A) The heading of section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632) is amended to read as follows:

"ANNUAL ADOPTION OF CONCURRENT RESOLUTION".

(B) Subsection (a) of section 301 of such Act (2 U.S.C. 632) is amended—

(i) by striking out "the first concurrent resolution on the budget" in the first sentence and inserting in lieu thereof "a concurrent resolution on the budget"

(ii) by striking out "and" at the end of paragraph (6);

(iii) by redesignating paragraph (7) as paragraph (10); and

(iv) by inserting after paragraph (6) the following new paragraphs:

"(7) the total amount of the current law revenues of the Federal Government;

"(8) the total amount of the current services outlays of the Federal Government:

"(9) the current services deficit of the Federal Government; and".

(C) Section 301(b) of such Act is amended—

(i) by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in subsection (a)"; and

(ii) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) the deficit reduction procedure described in section 310; and"; and

(iii) by striking out the matter that follows paragraph (2).

(D) Section 301(d) of such Act is amended by striking out "first" each place it appears.

(E) Section 301(e) of such Act is amended—

(i) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth"; and

(ii) by striking out "first concurrent resolution on the budget" each place it appears and inserting in lieu thereof "concurrent resolution on the budget referred to in subsection (a)".

(5) Subsection (c) of section 302 of such Act (2 U.S.C. 633) is amended by striking out "or 310".

(6) (A) The heading of section 303 of such Act is amended by striking out "FIRST".

(B) Subsection (a) of section 303 of such Act (2 U.S.C. 634) is amended by striking out "first concurrent resolution on the budget" in the matter following paragraph (4) and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(7) Section 304 of such Act (2 U.S.C. 635) is amended—

(A) by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)"; and

(B) by striking out "pursuant to section 301".

(8)(A) Paragraph (3) of subsection (a) of section 305 of such Act (2 U.S.C. 636) is amended by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(B) Subsection (b) of section 305 of such Act is amended—

(i) by striking out ", except that" and all that follows through "15 hours" in paragraph (1); and

(ii) by striking out "first concurrent resolution on the budget" in paragraph (3) and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(9) Paragraph (2)(A) of subsection (a) of section 308 of such Act (2 U.S.C. 639) is amended by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(10) Paragraph (1) of section 309 of such Act (2 U.S.C. 640) is amended by striking out ", and other than the reconciliation bill for such year, if required to be reported under section 310(c)".

(11)(A) subsection (a) of section 311 of such Act (2 U.S.C. 642) is amended to read as follows:

"(a) LEGISLATION SUBJECT TO POINT OF ORDER.—After the Congress has completed action on the concurrent resolution on the budget referred to in section 301(a) for a fiscal year, and, if a deficit reduction bill or resolution, or both, for such fiscal year are required to be reported for such fiscal year, after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing new budget authority for such fiscal year,

providing new spending authority described in section 401(c)(2)(C) to become effective during such fiscal year, or reducing revenues for such fiscal year, or any conference report on any such bill or resolution, if—

"(1) the enactment of such bill or resolution as reported;

"(2) the adoption and enactment of such amendment; or

"(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth for such fiscal year in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exeeded, or would cause the total amount of revenues received by the Treasury for such fiscal year to be less than the recommended level of Federal revenues set forth in such concurrent resolution for such fiscal year.".

(B) Section 311 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) PROCEDURE.—If a point of order raised pursuant to subsection (a) is sustained by the presiding officer of the House in which it is raised, an affirmative vote of two-thirds of the Members of such House duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of such point of order is not subject to a motion to table.".

(12) Clause (1) of Rule XLIX of the Rules of the House of Representatives is amended by striking out ", 304, or 310" and inserting in lieu thereof "or 304".

SEC. 4. Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection.

"(e)(1) Except as provided in paragraph (2), the amount set forth in any Budget submitted to the Congress pursuant to subsection (a) for any fiscal year with respect to the estimated expenditures necessary to support the Government for such fiscal year may not exceed the amount set forth in such Budget with respect to the estimated receipts of the Government for such fiscal year by an amount that is greater than the maximum deficit amount established for such fiscal year under section 301A of the Congressional Budget Act of 1974.

"(2) For any fiscal year with respect to which the President determines that, for reasons of national security or economic necessity, the adoption of a Budget that complies with the requirements of paragraph (1) is not feasible, and submits to the Congress a written statement of the reasons for such determination, the President may submit two Budgets only one of which complies with the requirements of paragraph (1).".

SEC. 5. (a) Title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new part:

"PART C—IMPOUNDMENT PROCEDURES FOR DEFICIT REDUCTION

"DEFINITIONS

"SEC. 1021. For purposes of this part—

"(1) the term 'spending authority' shall have the meaning given to such term in section 401(c)(2);

"(2) the term 'maximum deficit amount' shall have the meaning given to such term in section 301A(b)(1);

"(3) the term 'deficit' shall have the meaning given to such term in section 301A(b)(2); and

"(4) the term 'applicable percentage' shall have the meaning given to such term in section 301A(b)(3).

"PERIODIC REPORTS ON ESTIMATED DEFICIT

"SEC. 1022. (a) On November 1, February 1, and May 1 of each fiscal year, the Director of the Congressional Budget Office shall transmit to the Congress and the President a report based upon the most reliable information available at the time such report is transmitted. Such report shall contain—

"(1) an estimate of the total budget outlays of the Federal Government for such fiscal year;

"(2) an estimate of the total budget revenues of the Federal Government for such fiscal year;

"(3) a specification of the amount (if any) by which the amount estimated pursuant to paragraph (1) exceeds the amount estimated pursuant to paragraph (2); and

"(4) a specification of the amount (if any) by which the amount specified pursuant to paragraph (3) exceeds the deficit amount set forth as appropriate for such fiscal year in the concurrent resolution adopted for such fiscal year under section 301.

"(b) In the first report required under subsection (a) for any fiscal year with respect to which a deficit reduction bill, or a bill or joint resolution incorporating changes directed by a deficit reduction resolution (as defined in section 310(b)(2)), or both, becomes law, the Director of the Congressional Budget Office shall specify—

"(1) the amount by which such law or laws would cause the total amount of revenues of the Federal Government for such fiscal year to exceed the amount of current law revenues set forth in the concurrent resolution on the budget adopted for such fiscal year under section 301 if economic conditions during such fiscal year were the same as the economic conditions assumed for such fiscal year in such concurrent resolution;

"(2) the amount by which such law or laws would reduce the total amount of the outlays of the Federal Government for such fiscal year below the amount of current services outlays set forth in such concurrent resolution for such fiscal year if economic conditions during such fiscal year were the same as such assumed economic conditions;

"(3) the amount by which a deficit reduction bill enacted pursuant to a concurrent resolution on the budget for such fiscal year—

"(A) adopted under section 301,

"(B) setting forth as appropriate for such fiscal year a deficit amount equal to the deficit amount set forth as appropriate for such fiscal year in the concurrent resolution on the budget adopted for such fiscal year under section 301, and

"(C) recommending that the total amount of the revenues of the Federal Government for such fiscal year be increased by the maximum amount by which such total amount may be increased by a concurrent resolution on the budget that complies with the requirements of section 301A(a)(2)(A) for such fiscal year,

would cause the total amount of revenues of the Federal Government for such fiscal year to exceed the amount of current law revenues set forth in such concurrent resolution for such fiscal year; and

"(4) the amount by which a deficit reduction bill enacted pursuant to a concurrent resolution on the budget for such fiscal year—

"(A) adopted under section 301,

"(B) setting forth as appropriate for such fiscal year a deficit amount equal to the deficit amount set forth as appropriate for such fiscal year in the concurrent resolution on the budget adopted for such fiscal year under section 301, and

"(C) recommending that the total amount of the budget outlays of the Federal Government for such fiscal year be reduced by the minimum amount by which such outlays may be reduced by a concurrent resolution on the budget that complies with the requirements of section 301A(a)(2)(B) for such fiscal year,

would reduce the amount of the total outlays of the Federal Government for such fiscal year below the total amount of current services outlays set forth in such concurrent resolution for such fiscal year.

"SPECIAL MESSAGE PROPOSING RESCISSIONS TO REDUCE DEFICIT

"SEC. 1023. (a) Not later than 30 days after receiving any report under section 1022 that specifies an amount pursuant to paragraph (4) of subsection (a) of such section, the President shall transmit to the Congress a special message that proposes rescissions of budget authority for the fiscal year to which such report relates in an amount that will reduce the total budget outlays of the Federal Government for such fiscal year by an amount equal to the amount specified under such paragraph (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(b)(1)(A) A special message transmitted under subsection (a) pursuant to a report transmitted under section 1022 for a fiscal year may propose rescissions of budget authority for such fiscal year with respect to any program, project, activity, or account of the Federal Government with respect to which the President determines that it is desirable to reduce outlays (except the budget authority provided by section 1305(2) of title 31, United States Code, for payment of interest on the public debt).

"(B) No rescission proposed in such special message pursuant to this paragraph may reduce the total amount of outlays for any program, project, activity, or account of the Federal Government for the fiscal year to which special message relates by an amount in excess of 10 percent of the total amount of outlays that would be made for such program, project, or activity for such fiscal year but for this paragraph (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(C) If pursuant to this paragraph the President proposes to rescind for a fiscal year budget authority with respect to spending authority described in section 401(c)(2)(C), the special message proposing such rescission shall describe the changes that will be made in the program or programs to which such spending authority relates for such fiscal year if the Congress enacts a bill rescinding such budget authority.

"(2)(A) If the total amount of the rescissions proposed in such special message pursuant to paragraph (1) are insufficient to reduce the total outlays of the Federal Government for such fiscal year by an amount equal to the amount specified pursuant to section 1022(a)(4) in the report to which such special message relates, such special message shall propose additional rescissions

of budget authority for such fiscal year with respect to each program, project, activity, and account of the Federal Government (including programs, projects, activities, and accounts with respect to which budget authority is proposed to be rescinded under paragraph (1)).

"(B) A rescission proposed pursuant to this paragraph with respect to any program, project, activity, or account shall reduce the total amount of outlays for such program, project, activity, or account by an amount equal to the product of—

"(i) the amount of outlays that would be made for the program, project, activity, or account for the fiscal year to which the special message proposing such rescission relates but for this subparagraph (as determined on the basis of estimates made by the Director of the Congressional Budget Office), and

"(ii) the percentage that will, if multiplied by the total amount of outlays that would be made for every program, project, activity, or account of the Federal Government for such fiscal year but for this paragraph, produce an amount that is equal to the remainder obtained by subtracting—

"(I) the total amount by which rescissions proposed in such special message under paragraph (1) would reduce the total amount of outlays of the Federal Government for such fiscal year, from

"(II) the amount specified pursuant to section 1022(a)(4) in such special message.

"(C)(i) A special message transmitted under subsection (a) shall describe the changes that will be made in any program for which spending authority described in section 401(C)(2)(C) has been enacted if the President is required under section 1024 to withhold from obligation and expenditure budget authority proposed to be rescinded with respect to such spending authority pursuant to this paragraph.

"(ii) Changes proposed in a program pursuant to clause (i) may include (I) a prorata reduction in the payments that would otherwise be required by law to be made under such program, and (II) changes promoting the efficient administration of such program, but may not include any change in the requirements established by law with respect to eligibility for, or entitlement to, payments under such program.

"(D) No rescission may be proposed under subparagraph (A) with respect to the budget authority provided by section 1305 (2) of title 31, United States Code, for payment of interest on the public debt.

"(3)(A) Except as provided in subparagraph (B), rescissions proposed pursuant to paragraphs (1) and (2) in a special message may not reduce the total outlays of the Federal Government by an amount that exceeds the amount specified pursuant to section 1022(a)(4) in the report to which such special message relates.

"(B) If the President proposes to rescind budget authority with respect to spending authority described in section 401(c)(2)(C) pursuant to paragraph (1), the President shall also include in the special message proposing such rescissions an alternative proposal to rescind budget authority in accordance with paragraph (2) in an amount that will reduce the total amount of budget outlays of the Federal Government for the fiscal year to which such special message relates by an amount equal to the amount by which the rescissions proposed pursuant to paragraph (1) with respect to such spending authority would reduce such total amount of outlays of such proposed rescissions became law. The President may withhold from obligations and expenditure budget authority proposed to the rescinded pursuant to this subparagraph only if a bill rescinding budget authority with respect to such spending authority does not become law within the period of time specified in section 1024.

"(c)(1) Except as provided in paragraph (2) and in section 1024, the provisions of part B of this title shall apply to the consideration of a special message transmitted under subsection (a).

"(2) For purposes of this section, the 45-day period referred to in sections 1011 and 1012(b) of such part shall be deemed to refer to a period of 30 calendar days.

"EFFECTS OF RESCISSION BILL

"SEC. 1024. (a) If, within 30 calendar days after both Houses of the Congress have received a special message transmitted by the President pursuant to section 1023 for a fiscal year, a rescission bill is enacted and becomes law that rescinds the budget authority of the Federal Government for such fiscal year that was proposed to be rescinded in such message, the President shall withhold from obligation and expenditure the budget authority rescinded by such rescission bill.

"(b)(1) If, within 30 calendar days after both Houses of the Congress have received a special message transmitted by the President pursuant to section 1023 for a fiscal year, a rescission bill is enacted and becomes law that rescinds budget authority of the Federal Government for such fiscal year in an amount that will reduce the total outlays of the Federal Government for such fiscal year by the amount by which such total outlays would be reduced by the rescissions of budget authority proposed in such special message (as determined on the basis of estimates made by the Director of the Congressional Budget Office), the budget authority proposed to be rescinded in such special message shall be made available for obligation and expenditure (except to the extent that such rescission bill rescinds the budget authority proposed to be rescinded in such message).

"(2) If a rescission bill enacted pursuant to this subsection provides for the rescission of budget authority with respect to spending authority described in section 401(c)(2)(C), it shall be accompanied by a report specifying the changes to be made in the program or programs to which such spending authority relates in order to carry out such rescission (if such changes differ from the changes in such program or programs that are proposed by the President pursuant to paragraphs (1)(C) and (2)(C) of section 1023 (b)).

"(c)(1) If, within 30 calendar days after both Houses of the Congress have received a special message transmitted by the President pursuant to section 1023 for a fiscal year, a rescission bill is enacted and becomes law that rescinds budget authority of the Federal Government for such fiscal year in an amount that will reduce the total outlays of the Federal Government for such fiscal year by an amount that is less than the amount by which such total outlays would be reduced if a rescission bill were enacted rescinding the budget authority proposed to be rescinded in such special message (as determined on the basis of estimates made by the Director of the Congressional Budget Office), the President shall—

"(A) withhold from obligation and expenditure the budget authority rescinded by such rescission bill, and

"(B) withhold from obligation and expenditure budget authority proposed to be rescinded for such fiscal year in such special message (other than budget authority proposed pursuant to section 1023(b)(1) to be rescinded with respect to spending authority described in section 401(c)(2)(C)) in an amount that will reduce the total budget outlays of the Federal Government for such fiscal year by an amount which, when added to the amount by which such outlays are reduced for such fiscal year under such rescission bill, equals the amount by which such total outlays would be reduced if the rescissions proposed in such special message were enacted (as determined on the basis of estimates made by the Director of the Congressional Budget Office); and

"(C) implement any changes described in such message pursuant to section 1023(b)(2)(C) that are necessary to carry out the requirements of subparagraph (B).

"(2) If a rescission bill enacted pursuant to this subsection provides for the rescission of budget authority with respect to spending authority described in section 401(c)(2)(C), it shall specify the changes to be made in the program or programs to which such spending authority relates in order to carry out such rescission (if such changes differ from the changes in such program or programs that are proposed by the President pursuant to paragraphs (1)(C) and (2)(C) of section 1023(b)).

"(3) Notwithstanding subparagraph (B) of paragraph (1), the President may not rescind any budget authority proposed to be rescinded in a special message if a rescission bill is enacted and becomes law under this subsection that specifically disapproves the rescission of such budget authority.

"(d) Notwithstanding section 1012(b) or any other provision of law, if no rescission bill with respect to a special message transmitted under subsection (a) becomes law under subsection (b) or (c) within 30 calendar days after receipt by both Houses of the Congress of such special message, the President shall—

"(1) carry out the rescissions of budget authority proposed in such special message for such fiscal year (other than budget authority proposed pursuant to section 1023(b)(1) to be rescinded with respect to spending authority described in section 401(c)(2)(C)); and

"(2) implement any changes described in such message pursuant to section 1023(b)(2)(C).

"RESCISSIONS TO RESTORE RATIO OF REVENUE INCREASES AND SPENDING REDUCTIONS

"SEC. 1025. (a) If, in the first report transmitted under section 1022 for any fiscal year, an amount is specified pursuant to paragraph (1) of subsection (b) of such section that exceeds the amount specified pursuant to paragraph (3) of such subsection, the President shall, within 30 days after receiving such report, transmit to the Congress a special message proposing rescissions of budget authority for such fiscal year in an amount sufficient to reduce the total outlays of the Federal Government for such fiscal year by an amount that, when added to the amount by which such outlays will be reduced by any rescissions intended to be proposed for such fiscal year under section 1023 during such 30-day period, equals the amount obtained by subtracting the amount specified pursuant to paragraph (2) of subsection (b) of section 1022 from the product obtained by multiplying—

"(1) the amount specified in such report pursuant to paragraph (4) of such subsection, and

"(2) the quotient obtained by dividing—

"(A) the amount specified in such report pursuant to paragraph (1) of such subsection, by

"(B) the amount specified in such report pursuant to paragraph (3) of such subsection.

"(b) Any rescission of budget authority proposed in a special message transmitted under subsecton (a) shall be subject to the requirements of section 1023 (b)(2) and to the provisions of section 1024.".

(b) The table of contents in subsecton (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) is amended by adding at the end thereof the following new items:

"PART C—IMPOUNDMENT PROCEDURES FOR DEFICIT REDUCTION

"Sec. 1021. Definitions.
"Sec. 1022. Periodic reports on estimated deficit.
"Sec. 1023. Special message proposing rescissions to reduce deficit.
"Sec. 1024. Effects of rescission bill.
"Sec. 1025. Rescissions to restore ratio of revenue increases and spending reductions.".

SEC. 6. No law enacted after the date of the enactment of this Act shall waive or limit any provision of this Act, or any amendment to the Congressional Budget and Impoundment Control Act made by this Act, unless such law does so in specific terms, referring to this Act or to the amendment made by this Act, and declaring that such law waives or limits this Act or such amendment.

By Mr. HUMPHREY (for himself and Mr. BURDICK):

S. 2517. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

DISASTER RELIEF ACT OF 1984

● Mr. HUMPHREY. Mr. President, I am introducing the "Disaster Relief Act Amendments of 1984," and I ask for its appropriate referral.

The bill would amend the Disaster Relief Act of 1974, and I am glad to be joined in this endeavor by the senior Senator from North Dakota (QUENTIN BURDICK), who for many years has been a leader in disaster relief legislation. Senator BURDICK served as chairman of the Subcommittee on Disaster Relief when the 1974 act was written by the Senate Committee on Public Works.

The Disaster Relief Act of 1974 provides the basic Federal authorities for the Federal Emergency Management Agency to respond to requests for assistance by Governors of the States in which major disasters have occurred. Under the act, Presidents have declared more than 350 major disasters and emergencies. The act is central to relief efforts of all levels of government to save lives, protect public health, safety, and property, and to assist in recovery efforts in the wake of disasters.

The legislation I am introducing, if enacted, would provide the first comprehensive amendments to that act. It represents the culmination of work over the past year of the Subcommittee on Regional and Community Development of the Committee on Environment and Public Works, which I have the privilege to chair. Last July 21, the subcommittee commenced hearings by receiving testimony from the Federal Emergency Management Agency on S. 1525, which had been proposed by the administration. In September, additional hearings were held to receive oral testimony from respresentatives of State and local governments and voluntary disaster relief organizations. Represented at these hearings were the National Governors Association, the National Emergency Management Association, the Association of State Flood Plain Managers, the National Association of Counties, and the American Red Cross. Additional organizations were represented by written testimony.

One of the major concerns expressed to the subcommittee was the issue of which costs are eligible for reimbursement by the Federal Government. Over the years, Federal criteria have been written, amended, and expanded to the point where they are a hodgepodge of rules and regulations. Cost eligibility criteria are sometimes contradictory, complex, and hard to discern. For example, the committee has found that while single jacketed firehoses are not eligible for reimbursement for cleanup, a double jacketed hose meets the criteria set forth in the FEMA firehose policy. In one instance brooms were ruled eligible but shovels were ineligible. In yet another, Federal reimbursement was available for the removal of debris from a golf course but the removal of debris from grass in a cemetery was not eligible.

Two years ago, the committee reported that it was "* * * greatly concerned that current regulations and criteria defining what are and what are not 'eligible costs' are themselves confused, inconsistent and some times capricious. Some decisions appear to be ad hoc." The current rules add uncertainty and administrative burdens to State and local governments, to say nothing of the higher costs they must bear in providing disaster assistance. The committee encouraged FEMA—with the assistance of State and local officials—to throughly review the regulations and to render them more rational. I am glad that FEMA has attempted to do so. New proposed rulemaking was published in the Federal Register on February 3, 1984. I hope that State and local officials will review the proposed rules very carefully and provide constructive comments.

Under the new rulemaking, I am informed that FEMA has expanded the list of disaster-assistance-related expenses eligible for Federal reimbursement to include administrative costs, public employee salaries and fringe benefits, vehicle and equipment operating costs, and other previously excluded items. My staff estimates, using sample data supplied by FEMA, that the new regulations could reduce a State or local applicant's cost burden for small projects by 15.5 percent.

Mr. President, this issue of reimbursable costs is associated with the issue of cost sharing. Before 1980, the Federal Government assumed 100 percent of the cost of debris removal and replacement of public facilities. Clearly, under these circumstances there had to be strict regulations and policy guidance limiting the types and amount of federally reimbursible expenses. There was little incentive on the part of some non-Federal jurisdictions to be prudent in their demands, given the reimbursement policy then in effect.

Several years ago FEMA administratively, began to impose a 75-percent Federal, 25-percent State and local cost-sharing arrangement as a means to control costs for debris removal and public facilities replacement. The agency was able to do so under an interpretation of the Disaster Act of 1974 which would permit less than 100-percent reimbursement for these two categories of disaster assistance. However, FEMA has retained the stringent cost eligibility criteria adopted to conform with the earlier 100-percent reimbursement policy.

Witnesses at our hearings have expressed a great deal of concern about having to bear the double burden of cost-sharing and current eligibility criteria, especially when the latter exclude many legitimate disaster-assistance expenses. A major feature of this bill is to give statutory authority to the 75-25 cost-sharing arrangement. This step would lead to increased predictability for State and local jurisdictions of what their fair share of disaster assistance is going to be. The supplemental nature of Federal disaster assistance would likewise be assured. At the same time, it would be grossly unfair to impose cost sharing by statute without carefully considering the range of disaster-related expenses incurred by State and local authorities. Cost sharing enacted into law and revised cost-eligibility criteria must work hand in glove. We cannot have one without the other. FEMA proposed cost-eligibility rules should not be made permanent until the disaster act contains cost sharing.

Another related provision of the bill I am introducing today would permit cancellation of a loan or advance made to meet the non-Federal cost-share requirements if, after 3 fiscal years, an applicant demonstrates substantial and continuing inability to repay all or

part of the commitment. In our hearings all the witnesses representing non-Federal governmental jurisdictions testified that cost sharing could devastate the budgets of local governments stricken by concurrent, multiple major disasters or by a single catastrophic major disaster. Loan cancellation under the circumstances is a justifiable remedy for such a severe burden.

Mr. President, the bill would also expand the "small project" block grant provision of current law. At present, FEMA may award a block grant, in lieu of categorical assistance, when the estimated cost of all projects belonging to a particular applicant does not exceed $25,000. The bill would change this provision to allow a grant for each individual small project. Based upon the most recent information, FEMA anticipates that approximately 90 percent of all projects processed, representing less than 10 percent of all funds expended, would be included under the new small project mechanism as a result of the change. This change would greatly reduce administrative costs and delays to State local governments and to FEMA as well. I hope that local governments do not overlook this significant change to current law.

The bill would also give greater flexibility to State and local governments to choose the type of facilities that would be replaced following a disaster. Under current law, there is a heavy penalty for a State or local government that elects to replace a destroyed public facility by constructing a new one which serves a different purpose. For example, consider a case in which five public facilities are destroyed in a county and county officials determine that one is no longer needed. In order to have the flexibility to construct a new facility to serve a different purpose instead of replacing the destroyed facility, the county must accept reimbursement based on 90 percent of the estimated cost of replacing all five facilities instead of 100 percent. To this estimated cost FEMA then administratively applied the 75-percent Federal cost share, which reduces reimbursement to the county to 67 percent for all five facilities, not just the one for which flexibility is needed. This provision of current law has been little used, in part because the penalty of such flexibility is substantial. The bill would change this provision to permit the county to take a penalty on a project-by-project basis. That is, the county would no longer be required to accept a penalty on all five projects in order to have the flexibility to construct one facility which is different from the one destroyed. Given demographic and other rapid social and economic changes in our country, I believe it is important to allow governmental jurisdictions to build to meet their current and projected needs rather than encouraging local governments to replace outdated facilities. Scarce capital expenditures should be directed into their highest and best use in a dynamic society.

Mr. President, the bill would also establish a program of hazard mitigation. Federal agencies, acting with State and local governments, would initiate measures to minimize the potential for recurrence of damages resulting from disasters. The immediate postdisaster situation often presents many opportunities to alleviate future risks. Under the provisions of the bill, FEMA could contribute 50 percent of the cost of mitigation measures, the balance to be contributed by the appropriate State of local jurisdiction. FEMA could expend up to 2.5 percent of total expenditures for permanent restorative public assistance for hazard mitigation. Given the currently critical budgetary problems of our national Government, this amount is admittedly modest in terms of the substantial need. On the other hand, such a hazard mitigation program would provide potential long-term savings to the Federal, State, and local governments far greater than the modest cost figures would indicate.

In order to assist States in updating and improving their disaster and emergency plans, the bill also would increase the Federal matching grant authority for preparedness planning from $25,000 to $50,000 per year. This increased Federal funding should facilitate better planning and preparedness. Better preparedness plans when carried out effectively can often alleviate hardships and reduce damages in disasters.

On another issue, current law permits Federal reimbursement to States for their costs associated with administration of the individual and family grant program. FEMA may reimburse up to 3 percent of the total Federal grant for administrative expenses associated with the program. The bill would also permit FEMA to reimburse 50 percent of the costs in excess of the 3 percent of total grant expenditures now eligible.

Mr. President, I believe that the bill and proposed rulemaking would provide State and local governments with significant savings and improvements over existing policies. Presently, they are required to contribute 25 percent of the cost of replacing public facilities and the list of items ineligible for Federal reimbursement adds to their costs. Further, there is no provision for forgiveness of local cost sharing. The new hazard mitigation provisions of the bill could alleviate damages in disasters. The expanded small project grants provision in lieu of categorical assistance would reduce redtape and administrative costs. The expanded flexible funding provision would give local governments more discretion in choosing which facilities should be replaced. The doubling of the Federal matching grant for preparedness and the increase in reimbursement of administrative costs of the individual and family grant program would reduce costs to State and local governments and could enhance governmental responses to disasters. The requirement for insurance where available at reasonable rates and the provision to enable the Federal Government to recover funds expanded in a disaster when private entities are found negligent would further enhance the disaster relief program.

Mr. President, in conclusion I trust all those involved in the disaster relief effort will evaluate the bill and the proposed rulemaking in conjunction and in view of the existing program. I believe that taken together, the bill and the new cost eligibility rules represent significant improvements in the disaster relief program for all concerned.

Mr. President, I ask unanimous consent that the full text of the proposed eligibility regulations and the bill be printed in the RECORD.

I will be working closely with Senator BURDICK and other committee members to move this bill through the committee and full Senate as expeditiously as possible. Improvements in the disaster relief program are long overdue, and I am hopeful that we can enact this legislation before the year is out.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1984".

SEC. 2. The short title of the Disaster Relief Act of 1974 (Public Law 93-288) is hereby amended by deleting the words "Disaster Relief Act of 1974" and inserting in lieu thereof "Major Disaster Relief and Emergency Assistance Act".

SEC. 3. Section 102(1) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(1)), is amended to read as follows:

"(1) 'Emergency' means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.".

SEC. 4. Title VIII of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; 42 U.S.C. 3231-3236) is hereby repealed, and title V of the Disaster Relief Act of 1974, as amended (Public Law 93-288), is hereby amended to read as follows:

"TITLE V—FEDERAL EMERGENCY ASSISTANCE PROGRAMS

"PROCEDURES

"SEC. 501. (a) All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. As a part of this request, and as a prerequisite to emergency assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. Based upon such Governor's request, the President may declare that an emergency exists.

"(b) The President may exercise any authority vested in him by section 502 and section 503 of this Act with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. The President may determine that such an emergency exists only after consultation with the Governor of the affected State, if practicable. The President's determination, however, may be made without regard to the provisions of section 501(a) of this Act.

"FEDERAL ASSISTANCE

"SEC. 502. In any emergency, the President may—

"(a) direct any Federal agency with or without reimbursement to utilize its authorities and the resources granted to it under other Acts, including but not limited to personnel, equipment, supplies, facilities, and managerial, technical and advisory services in support of State and local emergency assistance efforts to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe;

"(b) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing emergency assistance, and coordinate emergency assistance with State and local officials; and

"(c) provide technical and advisory assistance to affected State and local governments in the performance of essential community services, warning of risks of hazards, public information and assistance in health and safety measures, management and control, and reduction of immediate threats to public health and safety.

"EMERGENCY ASSISTANCE

"SEC. 503. (a) In an emergency, when the Federal assistance provided pursuant to section 502 of this title is inadequate, the President may provide assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a catastrophe. When debris removal assistance is appropriate under this section, it shall be provided in accordance with the terms and conditions of section 406 of this Act.

"(b) In any emergency and except as provided by subsection (c) of this section, the costs of providing emergency assistance under this section shall not exceed $5,000,000 of funds appropriated to carry out this Act.

"(c) The limitation of subsection (b) of this section may be exceeded when the President determines that continued emergency assistance is immediately required; that there is a continuing and immediate risk to lives, property, public health or safety; and that necessary assistance will not otherwise be provided on a timely basis. In the event that the limitation of subsection (b) is exceeded, the President shall report to Congress on the nature and extent of the emergency assistance requirements and propose additional legislation if necessary.".

SEC. 5. Section 102(2) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(2)), is amended to read as follows—

"(2) 'Major disaster' means any natural catastrophe, including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or any fire, flood, or explosion, regardless of cause, in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.".

SEC. 6. Title II of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5131-5132), is amended by—

(1) striking the words "(including the Defense Civil Preparedness Agency)" in section 201(a);

(2) adding the words "including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards," between the words "plans" and "except" in section 201(d); and

(3) striking "$25,000" in section 201(d) and inserting in lieu thereof "$50,000".

SEC. 7. Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by—

(1) deleting sections 301, 305, and 306 and renumbering subsequent sections appropriately;

(2) deleting the caption "FEDERAL ASSISTANCE" of section 302 and inserting in lieu thereof "RULES AND REGULATIONS";

(3) deleting the first and second sentences of subsection (a) of section 302 and amending the final sentence thereof by adding ", with or without reimbursement," immediately before "through"; and

(4) deleting ", or economic status" in the second sentence of section 311(a), and adding "or" before "age,".

SEC. 8. Section 303(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5143(a)), is amended by adding at the end thereof the following: "The Federal coordinating officer shall represent the President in coordinating the emergency or the major disaster response and recovery effort.".

SEC. 9. Section 314 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5154), is amended by redesignating subsections (a), (b), and (c) as (b), (c), and (d), respectively, and by adding at the beginning thereof a new subsection as follows:

"(a) As a condition of assistance, any public facility and private nonprofit facility which is:

"(1) located in a special flood hazard area as identified by the Director pursuant to the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.);

"(2) damaged or destroyed by flooding; and

"(3) otherwise eligible for assistance under section 405 of this Act, must be covered, on the date of the flood damage, by reasonable and adequate flood insurance. Assistance under section 405 for any such facility not so covered shall be reduced by the maximum amount of benefits which could have been received had reasonable and adequate flood insurance been in force: *Provided, however,* That this reduction of assistance shall not apply to uninsured facilities where such communities have been identified for less than one year as having special flood hazard areas. The limitations of assistance required by this subsection shall not apply until final regulations are promulgated by the President. Such regulations shall define reasonable and adequate flood insurance.".

SEC. 10. Section 315 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5155), is amended to read as follows:

"DUPLICATION OF BENEFITS

"SEC. 312. (a) Agencies or other organizations providing Federal assistance for needs or losses resulting from a major disaster or emergency shall assure that no person, business concern, or other entity receives any such Federal assistance if said person, business concern, or entity receives or is entitled to receive benefits for the same purpose from insurance or any other Federal or non-Federal source: *Provided,* That nothing in this section shall prohibit the provision of Federal assistance to a person, business concern, or other entity who is or may be entitled to receive benefits for the same purposes from insurance or any other Federal or non-Federal source when any such applicant for Federal assistance has not received such other benefits by the time of application for Federal assistance, so long as the applicant for Federal assistance agrees as a condition of receipt of Federal assistance to repay duplicative assistance from insurance or any other Federal or non-Federal source to the agency or other organizations providing the Federal assistance. The President shall establish such procedures as are deemed necessary to insure uniformity in preventing such duplication of benefits. Receipt of partial benefits for a loss or need resulting from a major disaster or emergency does not preclude provision of additional Federal assistance for any part of such loss or need for which benefits have not been provided.

"(b) A person, business concern, or other entity receiving Federal assistance for needs or losses resulting from a major disaster or emergency shall be liable to the United States to the extent that such Federal assistance has duplicated benefits available to the person, business concern, or other entity for the same purpose from insurance or any other Federal or non-Federal sources. The agency or other organization which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with the Claims Collection Act of 1966, as amended, when in the best interest of the Government. The repayment shall not exceed the amount of Federal assistance received.

"(c) Federal disaster assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations to individuals and families shall not be considered as income or a resource when determining eligibility or benefit levels for federally funded income

assistance or resource tested benefit program.".

SEC. 11. (a) Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by adding at the end thereof four new sections as follows:

"PROTECTION OF ENVIRONMENT

"SEC. 315. No action taken or assistance provided pursuant to section 402, 403, 406, 502, or 503 of this Act, or any assistance provided pursuant to section 405 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this Act or under any other provisions of law.

"RECOVERY OF FUNDS

"SEC. 316. The Attorney General of the United States is authorized to institute actions in the United States District Court for the district in which an emergency or major disaster occurred, or in such district as otherwise provided by law, against any party whose acts or omissions may in any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to this Act. Upon the showing that an emergency or major disaster or the associated damage or hardship was caused in whole or in part by an act or omission of such party, then such party shall be liable to the United States for the full amount of Federal expenditures made to alleviate the suffering or damage attributable to such act or omission. The authority of this section shall also apply to the recovery of Federal funds expended under the authority of section 419 of this Act for fire suppression.

"AUDITS AND INVESTIGATIONS

"SEC. 317. (a) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, shall conduct audits and investigations and in connection therewith may enter such places and inspect such records and accounts and question such persons as deemed necessary to determine the facts relative thereto.

"(b) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, may require audits by State and local governments in connection with assistance provided under the Act.

"(c) The President and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of investigation, audit, and examination, to any books, documents, papers, and records of any person or entity relating to any activity or program undertaken or funded pursuant to this Act.

"CRIMINAL AND CIVIL PENALTIES

"SEC. 318. (a) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any application or other document in connection with a request for assistance under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for assistance is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(b) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any bill, invoice, claim, or other document requesting reimbursement for work or services performed in connection with assistance provided under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for reimbursement is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(c) Any person, organization, or other entity who knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one-half times the misapplied amount of the loan or cash benefit.

"(d) Whenever it appears that any person, organization, or other entity has violated or is about to violate any provision of this Act, including rules and regulations issued and civil penalties imposed, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in the district court of the United States having jurisdiction where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

"(e) The President, or the duly authorized representative of the President, shall expeditiously refer to the Attorney General of the United States for appropriate action such evidence developed in the performance of functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.".

(b) Title III of the Disaster Relief Act of 1974, as amended, is amended by deleting subsections (a) and (c) of section 317 (42 U.S.C. 5157), and by renumbering "(b)" from the remaining subsection of section 317 as subsection "(f)" of amended section 318.

(c) Title IV of the Disaster Relief Act of 1974, as amended, is amended by deleting section 405 (42 U.S.C. 5175) and by renumbering subsequent sections appropriately.

SEC. 12. Title IV of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5171-5189), is amended by adding three new sections as follows and by renumbering subsequent sections appropriately:

"PROCEDURES

"SEC. 401. (a) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster, including, but not limited to, the cost-sharing provisions pursuant to sections 405, 406, 407, and 410 of this Act. Based upon such Governor's request, the President may declare that a major disaster exists.

"(b) In any case where an eligible applicant (or the State) is unable to assume its financial responsibility under the cost-sharing provisions of sections 405, 406, and 407 of this Act, the President is authorized to lend or advance to the State such 25 per centum share. For the purposes of section 405, such loan or advance shall be authorized only after the occurrence of concurrent, multiple major disasters in a given jurisdiction, or the extraordinary costs of a particular major disaster, and when the damages caused by such major disasters are so overwhelming and severe that it is not possible for the applicant or the State to assume their financial responsibility under this Act immediately. Except as provided by subsection (c) of this section any such loan or advance is to be repaid to the United States; there shall be no deferral of the repayment of loans or advances authorized by this subsection or of accrued interest. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance.

"(c) The President may cancel all or any part of such loan or advance made regarding section 405 or section 406 for concurrent, multiple major disasters or a single catastrophic major disaster if a determination is made that following the three full fiscal years after the loan or advance is made, the applicant demonstrates substantial and continuing inability to repay all or part of the loan or advance.

"(d) The President shall issue regulations describing the terms and conditions under which any loans or advances authorized by this section may be made or cancelled.

"FEDERAL ASSISTANCE

SEC. 402. In any major disaster, the President may—

"(a) direct any Federal agency with or without reimbursement to utilize its authorities and the resources granted to it under other Acts including, but not limited to, personnel, equipment, supplies, facilities, and managerial, technical, and advisory services in support of State and local assistance efforts;

"(b) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing disaster assistance, and coordinate disaster assistance with State and local officials; and

"(c) provide technical and advisory assistance to affected State and local governments in the performance of essential community services, warning of risks and hazards, public information and assistance in health and safety measures, management and control, and reduction of immediate threats to public health and safety.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

"SEC. 403. (a) In any major disaster, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

"(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

"(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, other services to disaster victims, or emergency assistance;

"(3) donating or lending equipment and supplies, including that determined in accordance with applicable law to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

"(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including, but not limited to: Search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph. Such contributions for emergency work under this section and section 402 of this Act shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, of such emergency work or services performed by State and local governments: *Provided*, That where debris removal assistance is appropriate under this section or section 402 of this Act it shall be provided in accordance with the terms and conditions of section 406 of this Act."

SEC. 13. (a) Section 402 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5172), is amended to read as follows:

"(a) The President is authorized to make contributions to State or local governments, to help repair, restore, reconstruct, or replace public facilities belonging to such State or local government which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'public facility' includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes, and any park.

"(b) The President is authorized to make contributions to help repair, restore, reconstruct, or replace eligible private nonprofit facilities which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'eligible private nonprofit facility' means private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged and disabled, and such private nonprofit facilities on Indian reservations, which were damaged or destroyed by a major disaster.

"(c) No authority under this section shall be exercised unless the affected State, local government, or eligible private nonprofit organization first agrees that such facility shall be repaired, restored, reconstructed, or replaced in compliance with flood plain management and hazard mitigation criteria required by the President, with the provisions of the Coastal Barrier Resources Act and other applicable Federal statutes, and in conformity with other applicable codes, specifications, and standards, except as otherwise provided in section 315 of this Act.

"(d) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the contribution shall be based on 75 per centum of the net eligible costs of restoring such facilities substantially to their predisaster condition: *Provided*, That the term 'net eligible costs' shall not include costs which, under a contract, are the responsibility of a contractor.

"(e) In those cases, except for small projects, where a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing, or replacing particular public facilities owned or controlled by that State or that local government which have been damaged or destroyed in a major disaster, it may elect to receive, in lieu of the contribution described in subsection (a) of this section, a contribution based on 50 per centum of the Federal estimate of the net eligible cost of repairing, restoring, reconstructing, or replacing such damaged facilities owned by it within its jurisdiction. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications, and standards. Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.".

(b) The Disaster Relief Act of 1974, as amended, is amended by deleting section 419 (42 U.S.C. 5189) and by striking "or 419" each place that this phrase appears in section 314 (42 U.S.C. 5154).

(c) Section 403 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5173), is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of law, whether carried out directly through Federal departments, agencies, or instrumentalities or through grants to State or local governments, Federal assistance provided under authority of this section shall not exceed 75 per centum of the net eligible costs, or for small projects 75 per centum of the Federal estimate of the net eligible costs, of debris removal.".

SEC. 14. Section 404(a) of the Disaster Relief Act of 1974 is amended to read as follows:

"(a) The President is authorized to provide, either by purchase or lease, temporary housing including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. Whenever he determines it to be in the public interest, the President is authorized to provide temporary housing assistance by using Federal departments, agencies, or instrumentalities. In addition, the President is authorized to provide temporary housing assistance by contributing not to exceed 100 per centum (or 75 per centum for group site development pursuant to paragraph (2) of this subsection) of the costs of temporary housing assistance to a State or local government which provides such assistance to those who require it as a result of a major disaster. Federal financial and operational responsibilities for temporary housing assistance shall not exceed eighteen months from the date of the major disaster declaration by the President, unless he determines that due to extraordinary circumstances it would be in the public interest to extend the eighteen month period.

"(1) Temporary housing assistance pursuant to this subsection shall be provided only when adequate alternative housing is unavailable, unless there is compelling need to do so because of extreme hardship. The assistance to be provided shall be determined by the President taking into account the fair market value of the accommodations being supplied and the post-disaster financial ability of the occupant.

"(2) Any mobile home or other readily fabricated dwelling supplied pursuant to this subsection shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster. When the President determines such action to be in the public interest, he may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites. However, in the event the President authorizes the development of a group site, that is, a site for two or more households, the Federal share shall be limited to 75 per centum of the development costs, and the remainder shall be met by funds provided by the State or local government."

SEC. 15. Section 406 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5176), is amended by adding "(a)" after "406." and by adding a new subsection "(b)" as follows:

"(b) The President is authorized to contribute up to 50 per centum of the cost of implementing hazard mitigation projects which he has determined would be cost effective and would substantially reduce the risk of future damage, hardship, loss or suffering in the area affected by a major disaster. Such projects shall be identified following

the evaluation of natural hazards provided for in subsection (a) of this section and shall be subject to approval by the President. The total of the contributions made under this subsection shall not exceed 2.5 per centum of the Federal estimate of grants made under the authority of section 405 of this Act for each major disaster.".

SEC. 16. Section 407(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5177), is amended to read as follows: "The President is authorized to provide such disaster unemployment assistance as he deems appropriate to individuals who are unemployed as a result of a major disaster. Disaster unemployment assistance authorized by this section shall be available to an eligible individual for a period not to exceed fifty-two weeks after the week in which an eligible individual became unemployed as a result of a major disaster, and such period shall be regarded as the disaster assistance period for that individual for the purposes of this section. Disaster unemployment assistance shall not be payable with respect to any week for which an individual is entitled to unemployment compensation (as defined in section 85(c) of the Internal Revenue Code of 1954, as amended) or waiting week credit. The maximum amount of disaster unemployment assistance payable to any individual with respect to a major disaster shall not exceed twenty-six times the maximum weekly amount for which the individual establishes eligibility minus the amount of any unemployment compensation paid to the individual during the fifty-two week benefit period established pursuant to this section. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred, and the amount of assistance under this section for a week of unemployment shall be reduced by any amount of private income protection insurance compensation available to such individual for such week of unemployment. The payment of unemployment compensation to an individual with respect to any week subsequent to the exhaustion of eligibility of such individual for disaster unemployment assistance and within the fifty-two week benefit period established pursuant to this section shall not be regarded as duplication of benefits under section 312 of this Act. The President is directed to provide disaster unemployment assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies."

SEC. 17. (a) Section 408(b) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by adding a period after the word "share" in the second sentence of that subsection and by deleting the following phrase from the second sentence of section 408(b): "and any such advance is to be repaid to the United States when such State is able to do so.".

(b) Section 408(b) of the Disaster Relief Act of 1974, as amended, is further amended by adding the following sentence between the second and third sentences of this subsection: "Such advances shall bear interest from the date of the advance at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance. Repayment of such advances and of interest which accrues on the advances may be deferred for no longer than two years from the date of the major disaster declaration.".

SEC. 18. Section 408(d) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by adding at the end thereof the following new sentence: "Whenever a State demonstrates efficiency by promptly completing all grants to eligible individuals and families within the period prescribed by the President, the State may be reimbursed for 50 per centum of those administrative expenses which exceed 3 per centum of the Federal grant made under subsection (a) of this section.".

SEC. 19. Section 413 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5183), is amended by striking "(through the National Institute of Mental Health)".

SEC. 20. Section 418(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188) is deleted.

SEC. 21. Section 606 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $100,000,000 for fiscal year 1985, $325,000,000 for fiscal year 1986, and $325,000,000 for fiscal year 1987, and to the Federal Emergency Management Agency for administrative expenses, $6,487,000 for fiscal year 1985, $8,237,000 for fiscal year 1986, and $9,137,000 for fiscal year 1987.".

SEC. 22. The Disaster Relief Act of 1974 (Public Law 93-288), as amended, is amended by—

(1) striking paragraph (7) of section 101(b) (42 U.S.C. 5121), striking "; and" from paragraph (6) and adding in lieu thereof a period, and adding "and" at the end of paragraph (5);

(2) striking "the Canal Zone," in paragraphs (3) and (4) of section 102 (42 U.S.C. 5122);

(3) striking "disaster" in the caption of title III (42 U.S.C. 5141-5158) and inserting in lieu thereof

"MAJOR DISASTER RELIEF AND EMERGENCY";

(4) striking "section 402 or 404 of" in section 311(b) (42 U.S.C. 5151);

(5) adding "emergency or" before the word "major" each of two places that word appears in section 310 (42 U.S.C. 5150);

(6) striking in section 313(b) (42 U.S.C. 5153) everything after the word "areas" and inserting in lieu thereof a period;

(7) striking "or section 803 of the Public Works and Economic Development Act of 1965," each place the phrase appears in section 314 (42 U.S.C. 5154);

(8) striking "402" each place that number appears in section 314 (42 U.S.C. 5154) and inserting in lieu thereof "405";

(9) adding "emergency and major" before the word "disaster" in section 316 (42 U.S.C. 5156);

(10) adding the word "MAJOR" between the words "FEDERAL" and "DISASTER" in the caption to title IV (42 U.S.C. 5171-5189);

(11) striking "in emergencies or in major disasters" in the third sentence of paragraph (2) of section 404(d) (42 U.S.C. 5174);

(12) striking "311" in section 404(d)(2) (42 U.S.C. 5174) and inserting in lieu thereof "308";

(13) striking "an emergency or" in section 415 (42 U.S.C. 5185) and inserting in lieu thereof "a";

(14) striking "408" in section 605 (42 U.S.C. 5121) and inserting in lieu thereof "410";

(15) striking "301" in subtitle C of title I of the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512; 86 Stat. 919) and inserting in lieu thereof "401";

(16) striking "President" each place that word appears in section 312(a) and inserting in lieu thereof "Federal coordinating officer".

(17) striking "rent" in section 313(a)(2) (42 U.S.C. 5153) and inserting in lieu thereof "income"; and

(18) striking paragraph (1) of section 313(a) (42 U.S.C. 5153) and renumbering subsequent paragraphs appropriately.

SEC. 23. (a) Section 6(a)(6)(E) of the Coastal Barrier Resources Act, 16 U.S.C. 3505(a)(6)(E), is amended by striking out "pursuant to sections 305 and 306 of the Disaster Relief Act 1974" and inserting in lieu thereof "pursuant to section 402, 403, 502, and 503 of the Major Disaster Relief and Emergency Assistance Act".

(b) Whenever any reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to provisions of the Disaster Relief Act of 1974 repealed by this Act or renumbered by this Act, such reference shall be deemed to be a reference to the appropriate provisions of the Major Disaster Relief and Emergency Assistance Act.

SEC. 24. This Act shall be effective ninety days after enactment, except it shall not affect the administration of any assistance provided under authority of the Disaster Relief Act of 1974, as amended, for any major disaster or emergency declared by the President prior to the effective date: *Provided*, That (execpt with regard to section 409(a) (relating to disaster unemployment assistance), regulations issued under statutory provisions which are repealed, modified, or amended by this Act shall continue in effect as though issued under the authority of this Act until they are expressly abrogated, modified, or amended by the President. Provision of disaster assistance authorized by statutory provisions repealed, modified, or amended by this Act or regulations issued thereunder, or proceedings involving violations of statutory provisions repealed, modified, or amended by this Act or regulations issued thereunder which are in process prior to the effective date of this Act, may be continued to conclusion as though the applicable statutory provisions had not been repealed, modified, or amended. Violations of statutory provisions or regulations issued under the authority of statutory provisions repealed, modified, or amended by this Act or regulations issued thereunder which are committed prior to the effective date of this Act may be proceeded against under the law in effect at the time of the specific violation.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

DISASTER ASSISTANCE; ELIGIBILITY OF COSTS OF PUBLIC ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Agency: Federal Emergency Management Agency.

Action: Proposed rule.

Summary: This proposed rule makes changes to the Federal Emergency Management Agency (FEMA) disaster assistance regulations implementing the Disaster Relief Act of 1974, Pub. L. 93-288. Changes are made in the eligibility of costs of public assistance to State and local governments. This is being done in recognition of the commitment to the disaster effort now

being made by applicants in the form of cost sharing of eligible costs.

Dates: Comments by: June 4, 1984.

Address: Send Comments to: Rules Docket Clerk, Office of General Counsel, Room 835, Federal Emergency Management Agency, 500 C Street SW, Washington, D.C. 20472.

For further information contact: Charles B. Stuart, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, telephone 202/287-0580.

Supplementary information: Federal disaster assistance under Pub. L. 93-288 is intended to supplement State and local capabilities and efforts to cope with a disaster, but not to supplant them. A Governor's request for a declaration of a major disaster or emergency must be supported by certification that State and local applicants have committed or will commit a reasonable amount of funds to cope with the disaster. Past commitments were accepted recognizing that some disaster related costs of the types not eligible under Pub. L. 93-288 were defrayed by grant recipients from their own funds. Other disaster related costs may be incurred by grant recipients directly or indirectly for which auditable records are not maintained and for which no Federal assistance could be claimed.

Currently the commitment by the State and local grantees is partially satisfied by a contribution of a percentage of the cost of eligible grant assistance. The amount of this percentage is determined on a case-by-case basis for each disaster. Taking into consideration this cost sharing as a portion of the State and local commitment, and the statutory requirement that the public assistance be supplementary, FEMA is considering changes to the eligibility of costs. Discussions were held with representatives of the National Emergency Management Association (NEMA) on this subject. Their recommendations have been taken into account in formulating the proposed changes.

S. 1525, a bill to amend the Disaster Relief Act of 1974 is currently pending in the Senate. S. 1525 is essentially the same as the bill (S. 2250) which passed the Senate during the 97th Congress. S. 1525 addresses the issue of State and local commitments and would establish a cost sharing formula as part of the law. The changes in cost eligibility in this proposed rule are consistent with FEMA's proposed changes to Pub. L. 93-288 and with the intent of the Senate expressed in the passage of S. 2250.

Passage of S. 1525 may require changes to disaster assistance regulations in areas other than cost eligibility, the following changes in the cost eligibility subsection of the regulation (44 CFR 205.76) are proposed:

(a)(1) Definitions of total eligible costs and net eligible costs are given to reflect sharing of costs by Federal and non-Federal interests. Selected other criteria are clarified.

(a)(7)(i) Administrative Expenses—A previous revision to these regulations (August 13, 1980) considered whether certain costs should be made eligible in accordance with OMB Circular 74-4 (Now A-87). At that time the decision on certain indirect costs was deferred until further consultation could be conducted with the Office of Management and Budget. This proposed change makes eligible an allowance for administrative expenses and provides a method for calculation of such an allowance. The percentage allowances for applicants' administrative costs were arrived at through FEMA's experience in dealing with disaster claims. While these costs have not been eligible in the past and therefore were not included in assistance claims, applicants have frequently advised us of the impact of these costs. In accordance with the supplementary nature of FEMA assistance under Pub. L. 93-288 the allowance will cover only the extraordinary expenses incurred as a direct result of a disaster. The percentage is an average of a sample of a number of different communities. It will be the same for all applicants. This practice has worked well for a number of years in the allowances for the use of applicant owned equipment to perform eligible disaster work.

(a)(7)(iii) The proposed change makes the cost of State audits required by FEMA an eligible cost.

(a)(7)(iv) The proposed change makes certain costs of State inspectors eligible.

(a)(19) National Guard—Most types of National Guard expenses would now be eligible, including security work.

(a)(22) Prison Labor—Certain costs of guards and food and lodging for prisoners and guards would be eligible.

(b)(2)(iv) Fringe Benefits—These costs have also been considered in accordance with the guidance of OMB Circular A-87. Certain fringe benefits paid by an employer for an applicant's employees would be eligible for reimbursement. The fringe benefits for which an allowance is made are those which represent extraordinary costs as a direct result of the disaster. Disaster recovery work generally results in the diversion of an applicant's employees from their regular duties. The increased hours of work will affect only certain types of fringe benefits such as the employer's Social Security contribution and similar payments. Other benefits, such as vacation or sick leave, are not affected by overtime work. The principal of paying only for certain costs is in accordance with the supplementary nature of Federal disaster assistance under Pub. L. 93-288. A fixed percentage allowance is proposed because the costs of the benefits included vary among the different state and local governments. In addition, in some states not all employees are covered by the particular benefits. A percentage of 10.5 percent was arrived at after consultation with other Federal agencies. It is made up of the following allowances: employee retirement (Social Security or other)—7 percent; unemployment insurance—1.5 percent; and worker's compensation—2 percent. For those grants where payment is based on the estimate of the cost of work, this percentage shall be used for fringe benefits. Grants in this category are flexible funding, grants-in-lieu, and small project grants (under $25,000). For other categorical grants, the applicant will have a choice of using this percentage or of submitting documentation in support of different rates for the three coverages. The use of a set percentage would expedite the processing of these grants. Estimating and accounting for these costs for each applicant could result in delays. This would be particularly significant for the 80 percent of applicants which receive small project grants under $25,000. This is because Pub. L. 93-288 provides simplified procedures to expedite payment to these applicants. It would be inconsistent to complicate the procedures unnecessarily.

Environmental Considerations—This amendment is administrative in nature and is categorically excluded from the requirements of 44 CFR Part 10 concerning preparation of environmental assessments.

Executive Order 12291, "Federal Regulations"—This rule is not a "major rule" within the context of Executive Order 12291. It will not have an annual effect on the economy of $100 million or more.

The rule will not have a significant economic impact on small entities, within the meaning of 5 U.S.C. 605 (the Regulatory Flexibility Act). Therefore, no regulatory analysis will be prepared.

This rule does not call for the collection of any information.

Authority: This rule is issued under authority of Section 601 of the Disaster Relief Act of 1974 (Pub. L. 93-288), as amended by Pub. L. 96-446.

Lists of Subjects in 44 CFR Part 205.

Disaster assistance, Grant programs, Housing and community development.

PART 205—FEDERAL DISASTER ASSISTANCE

Accordingly, Subchapter D of Chapter 1, Title 44 is proposed to be amended as follows:

1. Section 205.76 is amended by revising paragraph (a)(1) to read as follows:

§ 205.76 Eligibility of costs.

(a) *General.* (1) This section provides policies and guidelines for determining eligibility of costs of work eligible under the Act that may be paid to any eligible applicant or other recipient of this grant assistance. As used in this section, eligible costs include total costs that are subject to costs sharing and are otherwise reimbursable under these regulations. The applicable cost sharing percentages must be used to determine net eligible costs which may be approved and reimbursed by FEMA. The subparagraphs which follow are generally applicable to eligibility of costs. Only reasonable costs of eligible work are reimbursable.

* * * * *

2. Section 205.76 is amended by revising paragraphs (a)(2) (i), (iv) and (vii) to read as follows:

(a) * * *

(2) * * *

(i) Be necessary and reasonable for proper and efficient administration of the grant programs, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State, local or Federally-recognized Indian tribal governments. Costs of projects must be directly attributable to the performance of eligible work. Indirect costs incurred as a result of the disaster are covered by the allowance for administrative expenses (see § 205.76(a)(7)).

* * * * *

(iv) Be consistent with policies, regulations, and procedures (of the applicant) that apply uniformly to both federally assisted and other activities of the unit of government of which the grantee is a part.

* * * * *

(vii) Be net of all applicable credits which offset or reduce eligible disaster costs. Examples are purchase discounts, insurance recoveries and salvage.

* * * * *

3. Section 205.76 is amended by revising paragraph (a)(4) to read as follows:

(a) * * *

(4) The amount of Federal reimbursement made to an applicant under categorical funding or under a small project grant is limited to the net eligible cost of performing work approved by FEMA. This limitation is not intended to restrict the type and cost of work which the applicant may choose to undertake. If the applicant performs work in

excess of the approved amount, Federal assistance is limited to the net costs of eligible work approved by the Regional Director. Flexible funding under section 402(f) of the Act is limited to 90 percent of the net estimated costs of eligible permanent restorative work.

* * * * *

4. Section 205.76 is amended by revising paragraph (a)(7) to read as follows:

(a) * * *

(7) Administrative Expenses.

(i) An allowance to cover expenses attributable to requesting, obtaining, and administering FEMA grant assistance is eligible in accordance with the following:

(A) For those applicants whose total eligible costs are less than $100,000, such allowance shall be three percent of total eligible costs (estimated costs for recipients of small project grants).

(B) For those applicants whose total eligible costs exceed $100,000 but are less than $1,000,000, such allowance shall be $3,000 plus two percent of total eligible costs in excess of $100,000.

(C) For those applicants whose total eligible costs exceed $1,000,000 but are less than $5,000,000, such allowance shall be $21,000 plus one percent of total eligible costs in excess of $1,000,000.

(D) For those applicants whose total eligible costs exceed $5,000,000 such allowance shall be $61,000 plus one-half percent of total eligible costs in excess of $5,000,000.

(ii) Subject to the limitations stated in subsection (7)(i) above, the allowance for administrative expenses includes, but is not limited to, the following types of work:

(A) Preparation of project applications, reports, appeals, inspection reports, materials for audits, and claims for payment.

(B) Performance of owners' responsibilities.

(C) Operation of Emergency Operations Center.

(D) Salaries, wages, fees, and expenses of individuals or firms while engaged in the preparation and processing of damage assessments, damage survey reports, project applications, claims for payment and supporting documentation.

(E) Office supplies and equipment.

(F) Rent.

(G) Telephone and telegraph expenses.

(iii) Reasonable actual costs of State audits, when determined necessary by FEMA, are eligible to be included in total eligible costs. Costs of such audits shall not exceed one percent of audited eligible costs, unless written justification for higher costs is submitted to FEMA.

(iv) Reasonable actual costs, as determined by FEMA, of State inspectors engaged in preparation of Damage Survey Reports and Final Inspection Reports and related field inspections, are eligible. These costs are subject to the following limitation: Reimbursement may be made for travel, per diem, and overtime, but not regular time salaries.

* * * * *

5. Section 205.76 is amended by revising paragraphs (a) (19) and (20) to read as follows:

(a) * * *

(19) National Guard—Actual costs paid by the State for eligible work performed by the National Guard including salaries of Guardsmen directly engaged in eligible work or in direct supervision of such work are eligible. Eligible work includes public safety or security measures as well as other types of work eligible under these regulations.

(2) Cooperative agreements.

(i) Eligible: Costs for work performed under cooperative arrangements between State or local governments, but limited to those direct costs of the performing entity which the applicant is legally obligated to pay and which would be eligible if the applicant had performed the work.

(ii) Not eligible: Costs for work performed under an arrangement between a State or political subdivision of a State and a Federal agency, except when approved in advance by the Regional Director.

* * * * *

6. Section 205.76 is amended by revising paragraph (a)(22) to read as follows:

(a) * * *

(22) Prison labor.

(i) Eligible: Out-of-pocket costs of prison labor performing eligible disaster work, limited to the amount paid the prisoners in accordance with rates established prior to the disaster, and the cost of transportation. In addition the portion of the following costs which are in excess of regular budgeted amounts, are eligible for reimbursement:

(A) Cost of food and lodging for prisoners, and

(B) Salaries of guards.

* * * * *

7. Section 205.76 is amended by revising paragraph (a)(29) to read as follows:

(a) * * *

(29) Other. Any costs not allowable under OMB Circular A-87 are ineligible for FEMA reimbursement.

* * * * *

8. Section 205.76 is amended by adding paragraph (b)(2)(iii) and (iv) as follows:

* * * * *

(b) * * *

(2) * * *

(iii) An allowance in the amount of 10.5 percent of each regular or extra employee's eligible gross pay to cover employer's contributions for Social Security, unemployment insurance coverage and worker's compensation insurance is eligible. This eligibility will apply only to the extent that total compensation for employees is eligible as defined by paragraph § 205.76(b) (i) and (ii).

(iv) Actual payment for fringe benefits for small project grants, grants-in-lieu, and flexible funding will be the percentage established in § 205.76(b)(2)(iii). Payment for fringe benefits for categorical grants may be such percentage or actual costs for such coverages at the applicant's choice. Documentation of actual costs of retirement benefits, unemployment insurance and worker's compensation must be provided with the applicant's final claim if that method of payment is chosen.

9. Section 205.76 is amended by revising paragraph (b)(3)(ii) to read as follows:

* * * * *

(b) * * *

(3) * * *

(ii) For vehicles or equipment utilized by police, firemen, and other employees whose duties do not change because of the major disaster or emergency; and for permanently installed fixed equipment, such as pumping stations, only disaster-related actual costs in excess of average costs are eligible. Average costs shall be calculated by using a like duration of time, or the closest duration for which auditable records are available, for the previous three years. Years in which a Presidentially declared major disaster occurred during the period being examined shall not be included in the average.

10. Section 205.76 is amended by removing paragraph (b)(3)(iii).

11. Section 205.76 is amended by revising paragraph (d)(7) to read as follows:

* * * * *

(d) * * *

(7) *Vector control.* Only disaster-related acutal costs in excess of the average cost for a like duration of time, or the closest duration for which auditable records are available, for the previous three years, are eligible. Years in which a Presidentially declared major disaster occurred during the period being examined shall not be included in the average.

12. Section 205.76 is amended by revising paragraph (e)(2) to read as follows:

* * * * *

(d) * * *

(2) *Engineering and design.* Reimbursement for eligible engineering, planning, design, supervision, or inspection services is based upon reasonable actual direct costs but shall not exceed the amount approved on the project application, or on a supplemental project application. Applicants may not contract for architect/engineers' services on the basis of a percentage of project construction cost, nor make compensation on such basis. The Regional Director may approve special services, such as engineering surveys, soil investigations, resident engineers, and additional construction inspection when justified.

Dated: January 30, 1984.

SAMUEL W. SPECK,
Associate Director,
State and Local Programs and Support.

[FR. Doc. 84-3066 Filed 3-3-84; 8:45 a.m.]

Billing Code 67-18-01-M●

● Mr. BURDICK. Mr. President, I am glad to join as a cosponsor of the Disaster Relief Act Amendments of 1984. I remind my colleagues that similar legislation passed the Senate unanimously in 1982 but was not acted upon by the House.

For several years, I have been concerned that the Disaster Relief Act of 1974—which I sponsored—has been expanded beyond the original intent of the Congress. The act was written to provide broad, comprehensive authority for Federal assistance following natural disasters such as floods, hurricanes, tornadoes, and volcanoes. For this purpose it has functioned very well over the years in hundreds of disasters throughout the Nation. However, in recent years, the Federal Emergency Management Agency has interpreted the act to provide Federal authority to intervene in any type of catastrophe, whether natural or man made.

I am glad that the bill clarifies the original intent of the Congress by reformulating the definitions of "major disaster" and "emergency." The new definition of "major disaster" limits its meaning to those catastrophic events which are explicitly listed in the act at the present time or any other natural catastrophe. Catastrophes arising from social unrest or economic up-

heaval cannot be considered a "major disaster" under this revised definition for the purposes of invoking a Presidential disaster declaration.

The term "emergency" is redefined to authorize the President to provide Federal assistance in any instance when he determines that such assistance is essential to save lives, to protect property, public health and safety, or to lessen or avert the threat of a catastrophe. In any emergency the President must first invoke other Federal authorities available to him to meet the crisis. The role of the Federal Emergency Management Agency would be limited to providing technical assistance and coordinating the efforts of other Federal agencies under authorities granted to them under other Federal acts. Only after a determination that assistance under other Federal authorities is inadequate to meet the crisis may FEMA directly intervene. Up to $5 million in Federal assistance may be provided for each emergency before the President is required to ask the Congress for additional funds.

Mr. President, a fundamental principle of the Disaster Relief Act is that Federal assistance supplement the efforts and resources of State and local governments. Before the President may make a major disaster declaration, the Governor of the affected State must declare that the disaster is beyond the capability of the State and local governments to respond without Federal assistance. He must also commit State and local resources to the disaster effort and certify that State and local expenditures "will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster * * *."

For a number of years, the question of what constitutes a reasonable commitment was resolved on a case-by-case basis through negotiations with the affected non-Federal jurisdictions. State and local governments could not know in advance what their commitment would be in the event of a disaster. This budget uncertainty greatly hampered disaster assistance planning and could slow down response and recovery efforts. In 1980, in the previous administration, beginning with Mount St. Helens disaster, FEMA established a cost-sharing formula whereby State and local governments would be responsible for 25 percent of the costs of repairing or replacing public facilities and of debris removal.

The bill establishes this cost-sharing formula in the statue and should resolve the longstanding and difficult issue of what constitutes a reasonable State and local government commitment in most disasters. I support this provision of the bill and believe it is a needed clarification of the 1974 act. State and local governments will benefit by resolving this issue and establishing in statute the appropriate level of commitment of their resources in disasters to be regarded as the prerequisite for supplemental Federal assistance. It would facilitate budgetary planning by removing a major uncertainty. It would also eliminate redtape and administrative delays that in the past accompanies negotiations to settle the proper cost-sharing arrangements.

I hope that State and local governments will recognize that a non-Federal share of disaster assistance costs is fundamental to the Disaster Relief Act. It has always been required by negotiations following each disaster and by stringent Federal rules and regulations. The cost-sharing provisions of this bill do not establish a new principle. They merely resolve the previously controversial issue of the appropriate level of State and local commitment.

I hope the State and local governments will also not overlook the many changes in this bill which would be beneficial to them, especially the provision of a mechanism to forgive loans made to non-Federal jurisdictions under extraordinary circumstances. While the cost-sharing formula is firmly established under current practice, State and local governments do not now have the protection that would be provided by enactment of this loan forgiveness provision.

Mr. President, in conclusion I reiterate my support of the bill and commend it to my colleagues.●

By Mr. WARNER (for himself, Mr. TOWER, Mr. GOLDWATER, Mr. JEPSEN, Mr. TRIBLE, and Mr. THURMOND):

S. 2519. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for certain expenses incurred by a member of a uniformed service of the United States, or by a minister, who receives a housing or subsistence allowance; to the Committee on Finance.

DEDUCTION FOR PAYMENT OF TAX DEDUCTIBLE HOUSING EXPENSES BY MINISTERS AND MEMBERS OF THE UNIFORMED SERVICES

● Mr. WARNER. Mr. President, today I am introducing legislation, cosponsored by Senators TOWER, GOLDWATER, JEPSEN, TRIBLE, and THURMOND, which would amend the Internal Revenue Code of 1954 in order to protect the total compensation packages of two of the most dedicated and worthy groups in our society: Military personnel and ministers. This bill is an identical companion to H.R. 4548, introduced in the House by my good friend and Virginia colleague, Congressman STAN PARRIS.

The Treasury Department recently approved and then delayed, until January 1985, implementation of a revenue ruling that would require members of the clergy to reduce their deductions for tax deductible housing expenses to the extent they are covered by tax-free allowances. The Internal Revenue Service is now reviewing a proposed revenue ruling that would impose the same requirement on military personnel. Revenue rulings dating back to the early 1960's had confirmed the deduction procedures which cover the clergy and the military. Although this legislation is applicable to taxable years beginning after December 31, 1982, the IRS should not construe that they can apply the current rulings retroactively to taxes paid prior to that date.

Mr. President, both these rulings will have a disastrous impact on the volunteer careers of those in the clergy or military service. Both groups have historically received modest pay. Traditionally, the Congress has provided nondenominational recognition to religious service in general by providing certain tax advantages to places of worship and clergy. All denominations are well aware of that tax benefit when they calculate the total package of compensation they provide for their ministers. Depriving them of this modest concession will only put a new burden on the already severely strained budgets of many small churches and denominations as they struggle to make up the losses.

Likewise, tax advantages are a very real and intentional part of the total compensation package we provide our military personnel. Indeed, they provide a very efficient and cost-effective means to offset some of the undesirable facts of military service. Military personnel are frequently required to move involuntarily, with no compensation for real estate expenses, a benefit commonly available to employees in the private sector in similar circumstances. The military may be required to relocate to high-cost areas, such as the Washington metropolitan area, where they find little or no Government housing available for them. Their moving expenses are generally not fully reimbursed. They face frequent and prolonged family separations. Their working conditions are frequently undesirable and hazardous. They live each day knowing that they could be called on with little notice to combat areas where they will be expected to risk their very lives for us.

Tax-free allowances such as the basic allowance for quarters and the variable housing allowance, allow us to address the special housing needs of our military personnel in the most cost-effective manner. With separate allowances, as opposed to basic pay, the needs and even variations in costs from region to region can be targeted. Making such military allowances tax free reduces the amounts Congress

must appropriate to provide fairly for the targeted expenses.

Implementation of either ruling could have serious financial consequences for the affected group, especially in high-cost areas. Because the individuals affected often calculate their tax savings in determining the housing they can afford or, in many areas, must do so to be able to buy at all, it is conceivable that these rulings could actually drive some into bankruptcy. Yet, the total gain to the U.S. Treasury, though not calculated yet by the IRS or Treasury Department, is estimated by them to be relatively small.

The more insidious aspect for both groups will be the adverse impact on morale and retention. For the military in particular, this is only one more example of erosion of their benefits. The resulting influence on retention is difficult to quantify but obviously negative.

Two other large groups stand to be adversely impacted by these rulings. Homebuilders in many areas, especially where there are large concentrations of service people, tend to rely greatly on home purchasing by military people. Realtors in those same areas recognize that the steady turnover of service families and the advantages of homeownership lead to a steady base of business for them. Implementation of these rulings will make homeownership much less desirable and perhaps not cost effective when the short-term ownership mandated by frequent moves is considered.

Just as the churches would face the prospect of having to raise the pay of their clergy to offset the loss to total compensation caused by these IRS rulings, so would the Congress have to raise the basic pay of our service people to correct the damage that would be done to their total compensation package. However, raising basic pay to address the compensation loss for some would create a windfall increase in disposable income for others not affected by the ruling. Indeed, that is why I have described the current system of tax-free allowances as efficient and cost-effective tools for addressing the housing needs of all our Armed Forces personnel who do not reside in Government quarters.

Mr. President, the Congress traditionally has recognized that, based on the many sacrifices military people make, it is proper to grant them benefits not available to the civilian populace. The Congress also traditionally has recognized a similar situation for the clergy.

I urge our colleagues to join us in supporting this legislation to make explicit the intent we have already expressed.●

By Mr. PRESSLER:

S. 2520. A bill to provide authorization of appropriations for the U.S. Travel and Tourism Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL TRAVEL ACT OF 1961 AUTHORIZATION ACT OF 1984

Mr. PRESSLER. Mr. President, I am very pleased to introduce legislation today to reauthorize the U.S. Travel and Tourism Administration (USTTA) for fiscal year 1985.

The USTTA, and its predecessor, the U.S. Travel Service, have in recent years faced not only budget cuts, but threats against the very existence of a Federal commitment to our travel and tourism industry. This has been a most unfortunate situation, because at the same time we reduced our national tourism promotion efforts, our chief competitors strengthened their national commitments to travel and tourism.

As recently as 1981, most Western nations spent between three and five times as much on tourism promotion as the United States. It is no wonder that our share of the international travel market has dropped from a peak level of 13 percent in 1976 to about 10 percent. The drop translates to losses of billions of dollars and many thousands of jobs, losses we can ill afford, especially in troubled economic times.

Since the 1981 creation of the Commerce Committee's Subcommittee on Business, Trade, and Tourism, which I chair, have sought to reverse this decline in Federal support of travel and tourism. I am gratified that so many of my colleagues have joined me in calling for a renewed national commitment to this vital industry.

The first major step toward this objective was passage of the National Tourism Policy Act of 1981. The act created the USTTA and the position of Under Secretary of Commerce for Travel and Tourism, which anchor our Federal tourism activities. To insure the level of policy coordination I envisioned when I introduced the legislation, an interagency Tourism Policy Council and a Tourism Advisory Board within the Department of Commerce were also created.

Of course, this national tourism policy could not and cannot flourish without appropriate funding. I was particularly pleased last year when my colleagues unanimously approved my USTTA authorization bill that helped pave the way for a $12 million appropriation for the USTTA for fiscal year 1984. This budget level, while still modest next to what other nations spend on tourism promotion, represents an increase of about 40 percent from the 1983 level. Unfortuntately, the $12 million level is still below that during the late 1970's when we spent over $13 million.

This funding increase has come at an opportune time since this year offers an unusual wealth of opportunity for travel promotion. Many thousands of foreign visitors will travel to the United States to attend the 1984 Louisiana World Exposition and the 1984 summer Olympic games in Los Angeles. While these events are our main drawing cards this year, the USTTA is also utilizing its funds to induce foreign travelers to visit other tourist attractions in our Nation, such as those in South Dakota that my constituents and I are so proud of. It is my hope that many foreign visitors will come to my home State to enjoy its natural beauty and the warmth and friendliness of its citizens.

The bill I am introducing today would authorize $14 million for the USTTA for fiscal year 1985. I hope my colleagues share my feeling that strengthening our national commitment to travel and tourism will more than pay for itself by improving our trade balance, boosting employment, and contributing to international good will.

This legislation is also designed to bring the USTTA closer to all the American people and citizens of every nation. Regional USTTA offices would be created within the United States so that even the smallest businesses, those so often neglected by the Federal Government, and the people and businesses farthest from Washington, D.C., will have better access to USTTA services. Similarly, the legislation provides for USTTA training of employees in U.S. embassies abroad, so that we can better utilize our presence in each nation to promote travel opportunities to and within the United States.

Again, I thank my colleagues for all their previous support of travel and tourism, and I invite you all to join me in working to further strengthen our national commitment to tourism, and thereby strengthen our Nation.

By Mr. HATCH:

S. 2521. A bill to authorize appropriations for the National Science Foundation for fiscal year 1985; to the Committee on Labor and Human Resources.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT FOR FISCAL YEAR 1985

Mr. HATCH. Mr. President, it pleases me to introduce the National Science Foundation Authorization Act of fiscal year 1985.

For 34 years the National Science Foundation has promoted the progress in science and engineering through the support of high quality basic and applied research programs designed to advance our understanding of the fundamental laws of nature as well as to utilize science and technology for problem solving. NSF's educational

programs are aimed at insuring increasing competence in science at all educational levels and an adequate supply of well-qualified scientists and engineers to meet our country's needs today and in the future.

The benefits of NSF programs of the National Science Foundation can be found everywhere. In Utah, for example, NSF supported the development of polymers in artificial blood vessels and the Jarvik 7 artificial heart. NSF supported chemical research that has led to the development of higher density computer chips. This is the type of basic research that will keep this country in front of technological development.

Additionally, NSF announced 200 Presidential Young Investigator awards in fiscal year 1984, which will help America's universities attract and keep outstanding faculty members who might otherwise pursue nonacademic careers. More than 100 small businesses are awarded NSF grants each year to investigate and develop science applications that promote national and international commerce, create jobs, and generally improve our overall quality of life. An expanded effort to upgrade the quality of science and mathematics education in our schools has been initiated and funds are requested for it to continue.

This bill reflects the commitment of President Reagan to the continued pursuit of scientific and educational excellence. It reflects the keen understanding of our Government that economic growth, an improved international trade position, and national security are tightly interwoven with American efforts in scientific research and development and the significant advances in knowledge and technology that result from this research.

Our Federal budget is a tight one, but NSF's important mission, which lays the foundation for advances that will improve our long-term economic position as well as our scientific knowledge deserves our wholehearted support.

This measure proposes an authorization of $1.5 billion for fiscal 1985. This is an increase of $180 million, or 13.6 percent, from the fiscal 1984 NSF operating plan. This increase will permit continued support of outstanding basic research in all scientific disciplines, and will allow increased emphasis in several specific areas of growing importance: Advanced computing, instrumentation and equipment, engineering research, and science and engineering education. I ask unanimous consent that the highlights of NSF's fiscal year 1985 budget plan be included in the RECORD at this point.

Mr. President, I support this measure and hope that it can be expeditiously enacted. As my colleagues know, the authorization process has been stalled now for 3 years due to jurisdictional negotiations with the Committee on Commerce, Science, and Transportation. The last NSF authorization passed was in 1980 for fiscal year 1981. I fear this persistent lack of a public law giving congressional sanction to NSF's activities may be misinterpreted as a reflection of the importance we attach to both the programs and purposes of the Foundation.

The Labor and Human Resources Committee has never failed to provide oversight of the Foundation or to report annual authorizing legislation by the May 15 deadline.

While I sincerely commend my distinguished colleagues on the Commerce Committee, especially Senator GORTON, for their attention to this issue and for a willingness to work out an equitable agreement, I hope that the Senate will also be able to do its job by passing an NSF authorization bill, going to conference with the House, and sending a bill to the President. As our able majority and minority leaders know, if we were to delay consideration on every bill for 3 years pending accommodations with all interested parties, we might just as well go into permanent recess. Some things can be worked out and some things cannot. I certainly do not blame anyone for pursuing jurisdiction of the NSF; it is a well-administered, responsive agency with a critical mission that ought to be of interest to all of us. Senator GORTON, as chairman of the Science, Technology, and Space Subcommittee, has discussed this matter in good faith and I appreciate and respect that. But we must move ahead with this bill, welcoming the contributions of our Commerce Committee colleagues in the form of a committee report, hearing record, or amendments offered on the Senate floor.

Mr. President, the National Science Foundation performs a vital function for our Nation, one which should not be neglected by the Senate any longer. I urge all Senators to support enactment of this bill.

Mr. President, I ask unanimous consent that the highlights of National Science Foundation programs for fiscal year 1985 and the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF NATIONAL SCIENCE FOUNDATION PROGRAMS FOR FISCAL YEAR 1985

Mathematical and Physical Sciences (MPS) support is $416.7 million, an increase of $57.9 million, or 16.1 percent, over the fiscal year 1984 current plan. The enhanced program will provide for:

Substantial improvement in the support of graduate and postdoctoral students, including the Mathematical Sciences Postdoctoral Fellowship Program, and for expanded research activities in computational mathematics and statistics and for access to appropriate computational facilities.

Strengthened support in computer research to respond to new research opportunities generated as a result of the experimental computer research facilities developed over the last five years.

Continued revitalization of university physics research through provision of new research instrumentation and improved computing capabilities to active research groups and a sharp focus on provision of new incentives and research opportunities for young researchers.

Expanded research opportunities in chemistry in areas presenting significant promise for rapid advancement, with special emphasis on the chemistry of life processes.

Strengthening the training of future materials scientists and engineers, particularly in technologically important areas such as electronic materials, ceramics, and polymers.

Support through formal or informal programs for the acquisition of research instrumentation and equipment for group or departmental use. Support for special equipment is increased by $3.9 million, or 19.1 percent, to a total of $24.3 million.

Increased support for research, operations, and instrumentation at university laboratories in computer research, physics, and materials research by $10.0 million, or 18.5 percent, to a total of $64.8 million.

Support for national facilities such as the Mathematical Sciences and Theoretical Physics Institutes, the Cornell Electron Storage Ring, the Michigan State University Heavy Ion Accelerator, Synchrotron Radiation facilities, and the National Magnet Laboratory, is increased by $5.8 million or 12.6 percent, to a total of $52.0 million.

Engineering support for fiscal year 1985 is $147.1 million, an increase of $26.4 million, or 22 percent over the fiscal year 1984 current plan. Within this amount research support in all areas will increase with:

Added emphasis on microstructure fabrication research, integrated optical devices, automated design, microsensors, and robotics to aid the handicapped, and optimization methods for production scheduling in industrial processes.

Stronger research efforts in biotechnology, novel processing techniques, catalytic reaction engineering, microcontamination control, and plasma-chemical processing.

Special support in coastal and ocean engineering, problems of repair, retrofit, and rehabilitation of parts of the public infrastructure, and upgrading and modernization of experimental facilities used in earthquake engineering.

Increased emphasis in thermal systems, tribiology, biomechanics and robotics/automated manufacturing.

Advanced Scientific Computing's increase of $3.5 million, from $1.5 to $5 million, is spread over all the subactivities and reflects engineering efforts devoted to the Foundation-wide initiative which began in fiscal year 1984 to provide access to advanced computer facilities for researchers from all disciplines.

Centers for Cross-Disciplinary Research in Engineering, a $10 million initiative spread over all the subactivities, will be established to conduct research on problems of importance to industry while simultaneously educating graduate and undergraduate students in engineering practice.

Astronomical, Atmospheric, Earth, and Ocean Sciences (AAEO) support is $373.5 million, an increase of $43.5 million or 13.2 percent over the fiscal year 1984 current

plan. In addition to substantial research project support this provides for:

Initiation of the first phase of a major new program, the acquisition of the Very Long Baseline Array (VLBA).

Beginning the first-phase acquisition of the Advanced Vector Computer (AVC) to be based at the National Center for Atmospheric Research, and allows for continued payments towards the mass storage system.

Major upgrading of instrumentation and a major research thrust on the chemistry, structure, and geologic history of the continental lithosphere, continued continental reflection profiling (COCORP) operations, and preliminary site surveys prerequiste to deep continental drilling.

Emphasis on studies of the ocean floor, maintenance and upgrading of shipboard scientific equipment, and commencement of the first year of an international drilling program using a large, modern drillship.

Advanced Scientific Computing, will provide increased access to advanced computers as well as local facilities to take advantage of the contributions that advanced computer use can make to AAEO disciplines.

U.S. Antarctic Program (USAP) for fiscal year 1985 is $115.1 million, an increase of $12.6 million or 12.3 percent above the fiscal year 1984 current plan. Within this total:

A $0.8 million increase will provide for a greater number of research awards with new initiatives in glaciology and oceanography.

Reimbursement of the Department of Defense (DOD) for military retirement costs is included for the first time.

Equipment procurement and facilities upgrading and maintenance that was deferred in prior years will be continued.

Biological, Behavioral, and Social Sciences (BBS) support is $253.1 million, an increase of $28.4 million or 12.7 percent above the fiscal year 1984 current plan. This will allow:

Continued emphasis in the plant sciences to advance the understanding of plants through application of both contemporary molecular and cellular approaches and instrumentation technologies. Additional emphasis will be placed on research using genetic methods to examine fundamental biological questions and the chemistry of biological processes.

Strengthened research efforts in the plant sciences, including research on the role of plant toxins in controlling damage by insects and on plant adaptation to nutrient limitations. Emphasis will be placed on augmenting awards to permit use of instrumentation and material essential for the application of molecular genetic techniques to studies of systematics and population biology.

Increased attention to studies of human origins, the learning process, and the development of cognitive capacities, including language.

The extension of key socioeconomic data resources and a strengthening of related methodological and theoretical research.

Expansion of Advanced Scientific Computing to $2.4 million to provide for communications links and network facilities and support for local user costs, such as software, technical support, and auxiliary equipment.

Scientific, Technological, and International Affairs (STIA) support will be $46.9 million, an increase of $6.1 million or 14.9 percent above the fiscal year 1984 current plan. In addition, the disciplinary research activities have earmarked a total of $80.7 million for programs to be coordinated by STIA. Programs to be funded through STIA include:

Support for U.S. participation in seminars, workshops, and short-term scientific visits abroad. An estimated 900 U.S. scientists and engineers will participate in these international activities. Special emphasis will be given to maintenance of programs with China, Eastern Europe, Western Europe, Sub-Saharan Africa, and Latin America, as well as continuation of U.S. participation in international scientific organizations.

A $5.8 million, or 33 percent, increase in funds applicable to the NSF Small Business Innovation Research (SBIR) program to comply with Public Law 97-219, the Small Business Innovation Development Act of 1982.

Initiation of a new program, Research Opportunities for Women, at a level of $0.5 million. In addition, support for Presidential Young Investigators Research Awards will increase from $11.9 million to $23.8 million and will provide for 200 new and 200 continuing awards.

Science and Engineering Education (SEE) support for fiscal year 1985 will be $75.7 million, an increase of $0.7 million. The FY 1985 support will be distributed as follows:

Graduate Research Fellowships will receive $21.0 million, an increase of $0.7 million or 3.4 percent above the FY 1984 total, and will support 550 new fellowships within an overall total of approximately 1,550 fellowships. The annual stipend for graduate fellows will increase to $9,000 and the annual cost-of-education allowance will be $4,900, the same as in fiscal year 1984.

Precollege Science and Mathematics Education will receive $54.7 million. The program will provide support for teacher development and incentives, such as the Presidential Awards for Teaching Excellence in Science and Mathematics, and the Honors Workshops for Precollege Teachers of Science and Mathematics. Support will also provide for new instructional materials, special studies to gain a better understanding of precollege science education in the U.S., research in teach[illegible] and learning, informal science education, and activities to publicize and disseminate information about highly successful programs and outstanding research efforts.

S. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Year 1985".

SEC. 2. (a) There is authorized to be appropriated to the National Science Foundation $1,498,992,000 for the fiscal year 1985.

(b) Funds authorized for the fiscal year 1985 will be available for the following categories:

(1) Mathematical and Physical Sciences, $416,710,000.

(2) Engineering, $147,100,000.

(3) Biological, Behavioral, and Social Sciences, $253,120,000.

(4) Astronomical, Atmospheric, Earth and Ocean Sciences, $373,480,000.

(5) United States Antarctic Program, $115,080,000.

(6) Scientific, Technological, and International Affairs, $46,900,000.

(7) Program Development and Management, $70,902,000.

(8) Science and Engineering Education, $75,700,000.

SEC. 3. Appropriations made under authority provided in sections 2 and 5 shall remain available for obligation for periods specified in the Acts making the appropriations.

SEC. 4. From appropriations made under authorizations provided in this Act, not more than $3,500 for fiscal year 1985 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the National Science Foundation. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to the sums authorized by section 2, not more than $2,800,000 for fiscal year 1985 are authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be drawn from foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. Funds may be transferred among the categories listed in section 2(b), so long as the net funds transferred to or from any category do not exceed 10 percent of the amount authorized for that category in section 2. The Director of the Foundation may propose transfers to or from any category exceeding 10 percent of the amounts authorized for that category in section 2. An explanation of any such proposed transfer must be transmitted in writing to the Speaker of the House, the President of the Senate, the Senate Committee on Labor and Human Resources, and the House Committee on Science and Technology. The proposed transfer may be made only when thirty calendar days have passed after submission of the written proposal.

SEC. 7. (a) Section 9 of the National Science Foundation Act of 1950 is amended to read as follows:

"SPECIAL COMMISSIONS

"SEC. 9. (a) Each special commission established under section 4(h) shall be appointed by the Board and shall consist of such members as the Board considers appropriate.

"(b) Special commissions may be established to study and make recommendations to the Foundation on issues relating to research and education in science and engineering.".

(b) Section 6 of the National Science Foundation Authorization Act, Fiscal Year 1978 (Public Law 95-99) is repealed.

(c) Section 10 of the National Science Foundation Authorization Act, Fiscal Year 1978 (Public Law 95-99) is repealed.

(d)(1) Subsection (b) of section 12 of the National Science Foundation Act of 1950 is repealed.

(2) Section 12 of such Act is amended by striking out "(a)".

(e) The last sentence of section 4(e) of the National Science Foundation Act of 1950 is amended by striking out "by registered mail or certified mail mailed to his last known address of record".

(f) Section 5(e) of the National Science Foundation Act of 1950 is amended by striking out "$2,000,000" and inserting in lieu thereof "$6,000,000" and by striking out "$500,000" and inserting in lieu thereof "$1,500,000".

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2522. An original bill to permit credit unions to take action to

strengthen the National Credit Union Share Insurance Fund, to change the tax status of the Central Liquidity Facility, and to eliminate fees for payroll deductions; placed on the calendar.

CREDIT UNION LEGISLATION

● Mr. GARN. Mr. President, today I am reporting an original bill affecting credit unions from the Committee on Banking, Housing and Urban Affairs. I request unanimous consent that the bill and a section-by-section summary of the bill be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 201(b)(8) of the Federal Credit Union Act (12 U.S.C. 1781(b)(8)) is amended to read as follows:

"(8) to pay and maintain its deposit and to pay the premium charges for insurance imposed by this title; and".

SEC. 2. Section 202(b) of the Federal Credit Union Act (12 U.S.C. 1782(b)) is amended to read as follows:

"(b) For each insurance year, each insured credit union which became insured prior to the beginning of that year shall file with the Board, at such time as the Board prescribes, a certified statement showing the total amount of insured shares in the credit union at the close of the preceding insurance year and both the amount of its deposit or adjustment thereof and the amount of the premium charge for insurance due to the fund for that year, both as computed under subsection (c) of this section. The certified statements required to be filed with the Board pursuant to this subsection shall be in such form and shall set forth such supporting information as the Board shall require. Each such statement shall be certified by the president of the credit union, or by any officer of the credit union designated by its board of directors, that to the best of his knowledge and belief that statement is true, correct, and complete and in accordance with this title and regulations issued thereunder.".

SEC. 3. Section 202(c) of the Federal Credit Union Act (12 U.S.C. 1782 (c)) is amended—

(1) by striking out paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by striking out "Except as provided in paragraph (2) of this subsection, each" in paragraph (2), as redesignated, and inserting in lieu thereof "Each";

(4) by striking out "on or before January 31 of each insurance year" in paragaph (2), as redesignated, and inserting in lieu thereof, "at such time as the Board prescribes";

(5) by striking out "member accounts" in paragraph (2), as redesignated, and inserting in lieu thereof "insured shares"; and

(6) by inserting before paragraph (2) the following:

"(1) Each insured credit union shall pay to and maintain with the National Credit Union Share Insurance Fund a deposit in an amount equaling 1 per centum of the credit union's insured shares. The Board may, in its discretion, authorized insured credit unions to initially fund such deposit over a period of time in excess of one year if necessary to avoid adverse effects on the condition of insured credit unions. The amount of each insured credit union's deposit shall be adjusted annually, in accordance with procedures determined by the Board, to reflect changes in the credit union's insured shares. The deposit shall be returned to an insured credit union in the event that its insurance coverage is terminated, it converts to insurance coverage from another source, or in the event the operations of the fund are transferred from the National Credit Union Administration Board. The deposit shall be returned in accordance with procedures and valuation methods determined by the Board, but in no event shall the deposit be returned any later than one year after the final date on which no shares of the credit union are insured by the Board. The deposit shall not be returned in the event of liquidation on account of bankruptcy or insolvency. The deposit funds may be used by the fund if necessary to meet its expenses, in which case the amount so used shall be expensed and shall be replenished by insured credit unions in accordance with procedures established by the Board.".

SEC. 4. Section 202(c)(3) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)) is amended to read as follows:

"(3) When, at the end of a given insurance year, any loans to the fund from the Federal Government and the interest thereon have been repaid and the equity of the fund exceeds the normal operating level, the Board shall effect for that insurance year a pro rata distribution to insured credit unions of an amount sufficient to reduce the equity in the fund to its normal operating level.".

SEC. 5. Section 202(c)(4) of the Federal Credit Union Act (12 U.S.C. 1782(c)(4)) is repealed.

SEC. 6. Subsections (d) through (f) of section 202 of the Federal Credit Union Act (12 U.S.C. 1782 (d) through (f)) are amended—

(1) by inserting "its deposit or" before the words "the premium charge" and "any premium charge" each time they appear; and

(2) by striking out "member accounts" and inserting in lieu thereof "insured shares".

SEC. 7. Section 202(g) of the Federal Credit Union Act (12 U.S.C. 1782(g)) is amended—

(1) by striking out "statements, and premium charges" and inserting in lieu thereof "statements, and deposit and premium charges";

(2) by striking out "payment of any premium charge" and inserting in lieu thereof "payment of any deposit or adjustment thereof of any premium charge"; and

(3) by striking out "any premium charge for insurance" and inserting in lieu thereof "any deposit of adjustment thereof or any premium charge for insurance".

SEC. 8. Section 202(h)(1) of the Federal Credit Union Act (12 U.S.C. 1782(h)(1)) is amended by inserting before the semicolon at the end thereof the following: ", unless otherwise prescribed by the Board".

SEC. 9. Section 202(h)(2) of the Federal Credit Union Act (12 U.S.C. 1782(h)(2)) is amended to read as follows:

"(2) the term 'normal operating level', when applied to the fund, means an amount equal to 1.3 per centum of the aggregate amount of the insured shares in all insured credit unions, or such lower level as the Board may determine; and".

SEC. 10. Section 202(h)(3) of the Federal Credit Union Act (12 U.S.C. 1782(h)(3)) is amended to read as follows:

"(3) the term 'insured shares' when applied to this section includes share, share draft, share certificate and other similar accounts as determined by the Board, but does not include amounts in excess of the insured account limit set forth in section 207(c)(1).".

SEC. 11. Section 203(b) of the Federal Credit Union Act (12 U.S.C. 1783(b)) is amended—

(1) by inserting "deposits and" before "premium charges"; and

(2) by adding at the end thereof the following: "The Board shall report annually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives with respect to the operating level of the fund. Such report shall also include the results of an independent audit of the fund.".

SEC. 12. Section 206(d)(1) of the Federal Credit Union Act (12 U.S.C. 1786(d)(1)) is amended—

(1) by inserting "(1)" after "subsection (a)";

(2) by inserting "maintain its deposit with and" before "pay premiums to the Board"; and

(3) by adding at the end thereof the following sentence: "Notwithstanding the above, when an insured credit union's insured status is terminated and the credit union subsequently obtains comparable insurance coverage from another source, insurance of its accounts by the fund may cease immediately upon the effective date of such comparable coverage by mutual consent of the credit union and the Board.".

SEC. 13. Title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.) is amended—

(1) in section 303 by inserting ", an instrumentality of the United States," after "Central Liquidity Facility" in the second sentence; and

(2) by adding at the end thereof the following:

"TAX EXEMPTION

"SEC. 311. (a) The Central Liquidity Facility, its franchise, activities, capital reserves, surplus, and income shall be exempt from all Federal, State, and local taxation now or hereafter imposed, other than taxes on real property held by the Facility (to the same extent, according to its value, as other similar property held by other persons is taxed).

"(b) The notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility and the income therefrom shall be exempt from all Federal, State, and local taxation now or hereafter imposed: *Provided*, That—

"(1) interest upon such obligations, and gain from the sale or other disposition of such obligations shall not have any Federal income tax or other Federal tax exemptions, as such, and loss from the sale or other disposition of such obligations shall not have any special treatment, as such, under the Internal Revenue Code of 1954, or laws amendatory or supplementary thereto, except as specifically provided therein; and

"(2) any such obligations shall not be exempt from Federal, State, or local gift, estate, inheritance, legacy succession, or other wealth transfer taxes.

"(c) For purposes of this section—

"(1) the term 'State' includes the District of Columbia; and

"(2) taxes imposed by counties or municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.".

(b) The amendments made by this section shall take effect on October 1, 1979.

ELIMINATION OF PAYROLL DEDUCTION FEES ON FINANCIAL ORGANIZATIONS; ADMINISTRATION OF DISBURSING FUNCTIONS

SEC. 14. (a) Section 3332(b) of title 31, United States Code, is amended by inserting "without charge" after "shall be sent".

(b) Section 3332 of title 31, United States Code, is amended by striking out subsection (c) and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

SECTION-BY-SECTION SUMMARY

Section 1. This section provides that an application for Federal insurance shall include an agreement by the applicant to pay and maintain the 1 percent deposit in the Share Insurance Fund (SIF) required by this legislation.

Section 2. This section requires each insured credit union to include in its certified statement to the NCUA Board the amount of its 1 percent deposit or adjustment thereof.

Section 3. This section establishes a refundable deposit in the Share Insurance Fund of 1 percent of each credit union's insured shares. It further defines the terms and conditions surrounding this 1 percent deposit including: the NCUA Board's discretion to phase-in the deposit; the annual adjustment of the deposit; the refund of the deposit, if the credit union is no longer insured by the SIF, or if the SIF is moved from the NCUA; the terms of the refund; clarification that no refund will occur in the event of liquidation due to bankruptcy or insolvency; and authority for the NCUA Board to use the deposit to meet expenses and to require replenishment of the deposit if necessary.

This section also removes certain language from the present statute that was only necessary to initially implement Federal insurance for credit unions.

Section 4. This section provides that the NCUA Board, each year, shall return to credit unions on a pro rata basis all funds not required to maintain the SIF at its "normal operating level."

Section 5. This section deletes from the present statute the authority for the NCUA Board to assess a second (special) premium.

Section 6. This section adds the 1 percent deposit to those provisions of the Act pertaining to: (1) the NCUA Board's bringing a suit against a credit union to require a report of condition or certified statement; (2) penalties against credit unions for failure to pay the deposit; and (3) prohibition against credit unions paying dividends when in default on payment of 1 percent deposit.

Section 7. This section requires the inclusion of information on the 1 percent deposit in the records of the credit union.

Section 8. This section gives the NCUA Board flexibility in establishing the dates of the insurance year.

Section 9. This section changes the normal operating level of the SIF from 1 percent of all insured shares to 1.3 percent.

Section 10. This section establishes that no premium is assessed on amounts in any account in excess of the insured limit.

Section 11. This section provides that the 1 percent deposit collected by the NCUA Board shall be deposited in the SIF. It further requires the NCUA Board to make an annual report to the Banking Committees regarding the operating level of the SIF. Such report will include the results of an independent audit of the SIF.

Section 12. This section provides that a credit union shall maintain its 1 percent deposit in the SIF during the one year period following termination of insurance. It further provides, however, that my mutual consent of the NCUA Board and the credit union, all account insurance may cease immediately upon the effective date of comparable insurance from another source.

Section 13. This section corrects an oversight in the enabling statute by providing a tax exemption to the NCUA Central Liquidity Facility. It is retroactive to the date the Facility opened—October 1, 1979.

Section 14. This section amends 31 U.S.C. § 3332(b) to require the Federal government to absorb the administrative costs incurred in processing up to three allotment checks per pay day for Federal civilian employees.●

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. PACKWOOD, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 627, a bill to authorize the establishment of a National Scenic Area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1795

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

S. 2159

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2159, a bill entitled the "Hazardous Air Pollutant Control Act of 1983."

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. HEFLIN) was withdrawn as a cosponsor of S. 2159, supra.

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Virginia (Mr. TRIBLE), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2436

At the request of Mr. GOLDWATER, the names of the Senator from South Dakota (Mr. PRESSLER), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2460

At the request of Mr. MITCHELL, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 2460, a bill to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building."

S. 2461

At the request of Mr. MITCHELL, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 2461, a bill to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building."

S. 2487

At the request of Mr. WEICKER, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 2487, a bill to provide for a White House Conference on Small Business.

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from South Dakota (Mr. ABDNOR), the Senator from Virginia (Mr. TRIBLE), the Senator from Delaware (Mr. ROTH), the Senator from California (Mr. WILSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Maryland (Mr. SARBANES), the Senator from Indiana (Mr. LUGAR), the Senator from Maine (Mr. MITCHELL), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 257, a joint

resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE JOINT RESOLUTION 265

At the request of Mrs. HAWKINS, the names of the Senator from Delaware (Mr. ROTH), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 265, a joint resolution designating the week of April 29 through May 5, 1984, as "National Week of the Ocean."

SENATE JOINT RESOLUTION 266

At the request of Mr. RANDOLPH, the names of the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIXON), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week beginning April 8, 1984, as "National Hearing Impaired Awareness Week."

SENATE RESOLUTION 312

At the request of Mr. HUMPHREY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 312, a resolution to honor Commander Alphonse Desjardins, founder of La Caisse Populaire de Ste Marie, Manchester, N.H.

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATION

MELCHER AMENDMENT NO. 2876

Mr. MELCHER proposed an amendment to the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; as follows:

On page 3, strike everything from the beginning of line 4 through "$61,750,000", and insert in lieu thereof the following:

"The additional amounts of $13,500,000 for medical aid, and $14,000,000 for food aid shall be appropriated for El Salvador, as well as an additional amount of $7,900,000 (3% of the regular fiscal year 1984 appropriation for El Salvador) to carry out the provisions of Section 503 of the Foreign Assistance Act of 1961".

KENNEDY AMENDMENT NO. 2877

Mr. KENNEDY proposed an amendment to the joint resolution House Joint Resolution 492, supra; as follows:

On page 3, line 6, delete the figure "$61,750,000" and substitute in lieu thereof "$21,000,000".

OMNIBUS RECONCILIATION ACT

PRESSLER AMENDMENT NO. 2878

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed to the bill S. 2062, to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for fiscal year 1984 (H. Con. Res. 91, 98th Congress) as follows:

At the end of the title relating to highway revenue provisions add the following new section:

SEC. . REPEAL OF INCREASE IN HIGHWAY USE TAX AND INCREASE IN DIESEL FUEL TAX.

(a) REPEAL OF INCREASE IN HIGHWAY USE TAX.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, subsection (a) of section 513 of the Highway Revenue Act of 1982 is repealed.

2) CONFORMING AMENDMENT.—Notwithstanding any other provision of this Act, subsection (f) of section 513 of the Highway Revenue Act of 1982 is amended to read as follows:

"(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1984.".

(b) INCREASE IN DIESEL FUEL TAX.—

(1) GENERAL RULE.—Notwithstanding any other provision of this Act, paragraph (a) of section 4041(a) (relating to diesel fuel) is amended by striking out "9 cents" and inserting in lieu thereof "15 cents".

(2) INCOME TAX CREDIT FOR PURCHASE OF DIESEL-POWERED AUTOMOBILE OR LIGHT TRUCK.—Notwithstanding any other provision of this Act, section 6427 (relating to fuels not used for taxable purposes) is amended by redesignating subsections (g), (h), (i), (j), (k), and (l) as subsections (h), (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (f) the following new subsection:

"(g) INCOME TAX CREDIT OR EXCISE TAX REFUND OF INCREASED DIESEL FUEL TAX TO OPERATORS OF DIESEL-POWERED AUTOMOBILES AND LIGHT TRUCKS.—

"(1) IN GENERAL.—Except as provided in subsection (j), the Secretary shall pay (without interest) to the owner, lessee, or other operator of any qualified diesel-powered highway vehicle an amount equal to the diesel fuel differential amount.

"(2) QUALIFIED DIESEL-POWERED HIGHWAY VEHICLE.—For purposes of this subsection, the term 'qualified diesel-powered highway vehicle' means any diesel-powered highway vehicle which—

"(A) has at least 4 wheels,

"(B) has a gross vehicle weight rating of 10,000 pounds or less, and

"(C) is registered for highway use in the United States under the laws of any State.

"(3) DIESEL FUEL, DIFFERENTIAL AMOUNT.—For purposes of this subsection, the term 'diesel fuel differential amount' means the amount determined by multiplying—

"(A) 6 cents, by

"(B) the amount of gallons of diesel fuel used by such owner, lessee, or other operator in any qualified diesel-powered highway vehicle for which tax imposed under section 4041(a)(1) was paid.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 39 is amended—

(i) by inserting a comma and "in qualified diesel-powered highway vehicles," after "nontaxable purposes" in subsection (a)(3), and

(ii) by striking out "6427(i)" in subsections (a)(3) and (b) and inserting in lieu thereof "6427(j)".

(B) Subsections (a), (b)(1), (c), (d), (e)(1), and (f)(1) of section 6427 are each amended by striking out "(i)" and inserting in lieu thereof "(j)".

(C) Subsection (h)(1) of section 6427 (as redesignated by paragraph (2)) is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

(D) Subsection (h)(2)(A) of section 6427 (as so redesignated) is amended by striking out "and (e)" in clause (i) and inserting in lieu thereof "(e), and (g)".

(E) Subsection (j)(2) of section 6427 (as so redesignated) is amended by striking out "(g)(2)" and inserting in lieu thereof "(h)(2)".

(F) Subsection (l) of section 6427 (as so redesignated) is amended by striking out "and (d)" each place it appears and inserting in lieu thereof "(d), and (g)".

(G) Section 7210, 7603, 7604(b), 7604(c)(2), 7605(a), 7609(c)(1), and 7610(c) are each amended by striking out "6427(h)(2)" each place it appears and inserting in lieu thereof "6427(i)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1984.

Mr. PRESSLER. Mr. President, I am introducing this legislation today to amend the Senate Finance Committee's version of the truck use tax schedule. I expect that the committee will report language recommending that we change the Surface Transportation Assistance Act's $1,900 use tax increase scheduled to begin to go into effect July 1, 1984, and replace it with a $600 use tax plus a 6-cents diesel tax. This is a step in the right direction—but as I said in my testimony before the Finance Committee when similar language was debated last February—it is still a far cry from the reality of the transportation industry, especially in rural America.

My amendment would eliminate user fee increases and return to pre-Surface Transportation Assistance Act levels. I recently chaired Senate hearings in Sioux Falls, S. Dak., to assess the condition of the trucking industry. It was not a very rosy picture. One of the chief concerns of those testifying was the devastating impact that the heavy user tax would have on their industry and their customers. Not only would it cripple thousands more small trucking firms, but this would result in higher consumer costs for virtually every product hauled by truck. The tax would not be a big problem for the larger firms. It is the smaller operators that would be hardest hit. It would also play a big role in discouraging new firms from entering the industry. The effect of this kind of taxation, in conjunction with the problems caused by deregulation, is to drift further and further toward a monopolistic industry at the expense of thousands of small operators.

Many of the smaller truckers in America—especially in States like South Dakota—travel fewer than 50,000 miles per year. Some travel approximately 100,000 miles. But trucks

of most big trucking companies travel much further, as a general rule, in the same year. To charge them all the same base rate per year is grossly unfair; but then to add insult to injury by calling it an equitable tax based on an accurate cost allocation is simply outrageous.

Let me use an actual example of a typical independent trucker from South Dakota to illustrate this problem. Last year, he traveled just under 50,000 miles. His truck consumed diesel fuel at 5 miles per gallon, for a total of 10,000 gallons. He has shown me his financial records, and I can assure you that a $1,600 to $1,900 one-time use tax would probably put him out of business. Applying the $600 plus 6 cents per gallon Department of Transportation compromise, he will still be forced to pay $1,200 in additional taxes. In his case, we could just as well leave the $1,600 to $1,900 tax in place, because our gradual approach will only prolong the agony of an inevitable end.

Mr. President, I do not propose to eliminate the revenue source needed to rebuild our deteriorating transportation system. Indeed, I believe it is important that our final legislation be revenue neutral. The amendment I am offering today meets that criteria. Very simply, it would return to the pre-Surface Transportation Assistance Act heavy user fee level with a maximum fee of $240 and retain the committee's recommended 6 cents per gallon diesel fuel tax—with cars and small trucks exempt. This proposal would raise the same amount of money as either the Surface Transportation Assistance Act or the Finance Committee proposal. But at the same time, it would protect smaller businesses by allowing them to pay the tax on a pay-as-you-go basis.

We hear a lot of talk about cost allocation and equity when we debate this issue, but it is hard to comprehend a more unequitable proposal than one which would charge a small operator who travels 40,000 to 50,000 miles per year the same amount as a huge, long-haul operation which runs its trucks two, three, and four times that amount in the same year. This would be patently unfair and, by definition, grossly inequitable.

I am introducing this legislation today because I believe it is important to get this proposal on the table for full analysis when we debate this issue in detail later this month. I urge my colleagues to support this amendment, and work toward a fair and truly equitable solution to this important problem.

URGENT SUPPLEMENTAL APPROPRIATION

KENNEDY (AND OTHERS) AMENDMENT NO. 2879

Mr. KENNEDY (for himself, Mr. MELCHER, and Mr. KASTEN) proposed an amendment (which was subsequently modified) to the joint resolution (H.J. Res. 492), supra; as follows:

On page 4, between lines 18 and 19, insert the following:

"DEPARTMENT OF STATE

"Migration and Refugee Assistance

For an additional amount for "Migration and Refugee Assistance," $7,000,000: *Provided*, That such sum shall be available only for assistance to displaced persons in El Salvador."

LEAHY (AND DODD) AMENDMENT NO. 2880

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. DODD) submitted an amendment intended to be proposed to the joint resolution (H.J. Res. 492), supra; as follows:

On page 3, line 10, after "further," insert the following:

"That none of the funds appropriated under this heading may be made available for El Salvador while funds appropriated or otherwise made available by any other provision of law for El Salvador to carry out Section 503 of the Foreign Assistance Act of 1961 for the Fiscal Year 1984 remain unobligated and unexpended: *Provided further,*"

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources on Monday, April 9, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, to consider S. 1739, the Water Resources Development Act of 1983. S. 1739 has been referred sequentially to the Committee on Energy and Natural Resources for a period not to extend beyond April 27, 1984. Pursuant to the sequential referral agreement, the committee will consider formally the following items, as they relate to the jurisdiction of the Committee on Energy and Natural Resources:

Section 217, as it relates to coal slurry pipelines; section 224, as it relates to the Northwest Power Act; title VI, as it relates to the Bureau of Reclamation and the power marketing agencies; section 701(b)(10), as it relates to the Bureau of Reclamation; and; title IX, as it relates to the water resources development activities of the Secretary of the Interior.

The purpose of the hearing is to receive testimony from administration officials and public witnesses on those five provisions of the bill in the indicated areas of jurisdiction.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth or Mr. Russ Brown of the committee staff at 224-5304 or 224-2366, respectively.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Subcommittee on Energy Regulation to consider North American natural gas reserves and resources for Friday, April 6, at 9 a.m. has been postponed until Thursday, April 26, at 2 p.m. in room SD-366.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on April 9, 1984, beginning at 2:30 p.m., in Senate Russell 428-A on S. 2201, a bill to convey certain lands to the Zuni Indian Tribe for religious purposes, and to be followed by a business meeting on the following bills:

S. 1151. A bill to compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime.

S. 1196. A bill to confer jurisdiction on the United States Claims Court with respect to certain claims of the Navajo Indian Tribe.

S. 1224. A bill to provide for the disposition of certain judgment funds awarded the Creek Nation.

S. 1967. A bill to compensate the Gros Ventre and Assiniboine Tribes of the Ft. Belknap Indian Community for irrigation construction expenditures.

S. 1979. A bill to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation.

S. 2000. A bill to allow variable interest rates for Indian funds held in trust by the United States.

S. 2061. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York.

S. 2184. A bill to amend the Native American Programs Act of 1974 to impose certain limitations with respect to the adminstration of such Act and to authorize appropriations under such Act for fiscal years 1985, 1986, and 1987, and for other purposes.

S. 2201. A bill to convey certain lands to the Zuni Indian Tribe for religious purposes.

S. 2403. A bill to declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

S. 2468. (H.R. 3376) A bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's hearing on April 3, 1984, on S. 2084, a bill to amend the Small Business Act to allow the Small Business Administration to make loans to small business concerns whose primary business is the communication of ideas, has been postponed until further notice.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Monday, April 2, to hold a hearing on transfer of U.S. technology to the Soviet Union and Soviet bloc nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Monday, April 2, at 2 p.m., to hold a hearing to receive testimony on the fiscal year 1985 intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SCIENCE OF YELLOW RAIN

● Mr. HATFIELD. Mr. President Evelyn Murray, a tireless opponent of nerve gas weapons production, recently brought the following article to my attention. It serves as the foundation for the current scientific study of the Reagan administration charge that the Soviet Union employed chemical weapons in Southeast Asia. In the case presented to Congress during discussion of nerve gas weapons production funding in the fiscal year 1984 Department of Defense appropriations bill, the administration pointed to evidence of "Yellow Rain" in Southeast Asia. Because it is obvious that the Soviet violated the 1925 Geneva protocol on chemical weapons and the 1972 treaty on biological and toxic weapons, argued proponents, the United States must renew production of nerve gas weapons to maintain a suficient deterrent. In assuming the obvious, however, the administration ignored the most basic requirement of science: Proof. The following article could shed profound light on the allegations. "Yellow Rain" by Louis Ember was published in the January 9, 1984 edition of Chemical and Engineering News.

The article follows:

[From the Chemical and Engineering News, Jan. 9, 1984]

THE SCIENCE OF YELLOW RAIN

The entire June 6, 1983, issue of C&EN examined the uncertainties over the health effects of dioxin in the environment. Similarly, this issue is largely devoted to another matter involving chemicals in the environment: yellow rain.

Yellow rain is the imprecise name given to toxin-based weapons the U.S. government charges the Soviet Union and its allies of using in Southeast Asia and Afghanistan. The editorial in the June 6 issue described the dioxin matter as "a brew of uncertain science, unanswered and sometimes unanswerable health questions, regulatory dilemmas, intensive press coverage, and legal maneuverings." As it turns out, that description fits the yellow rain issue too.

The U.S. charge is in keeping with the Reagan Administration's characterization of the Soviet Union as the "focus of evil in the modern world." It is also an incredibly serious charge. It undermines all arms negotiations because it accuses the Soviet Union of flagrant violation of both the 1925 Geneva Protocol on chemical weapons and the 1972 treaty on biological and toxin weapons.

In view of the critical nature of this issue, it would not be unreasonable to expect that the U.S. has an irrefutably strong case to support its charges, and, especially, that the supporting science is sound. But this is not the case.

When Secretary of State Alexander Haig first accused the Soviets in September 1981, the only scientific evidence in hand was the unconfirmed finding by one laboratory of parts-per-million quantities of three trichothecene toxins on a single leaf and stem taken from an alleged chemical attack site in Kampuchea. To this day the sum total of physical evidence from Afghanistan consists of a trace amount of a trichothecene on the face of a gas mask obtained—apparently purchased—in Kabul. The total of government-obtained positive environmental samples from Southeast Asia has grown only to five. These all have been reported by one private laboratory. None have been confirmed by independent analyses. The Army has failed to find trichothecenes in more than 50 such samples it has tested. And evidence from biomedical samples from alleged victims is ambiguous.

The government claims that it is very difficult to obtain physical evidence of chemical warfare from remote and wartorn areas to which it has no access and that its scientific effort should not be judged by the standards of a Ph. D. thesis. This is reasonable. But it does not explain why the scientific case the government has tendered publicly has been so poorly presented, why it lacks the normal cross-checks, and why elements of it have been at variance with data already in the scientific literature. It also does not explain the lack of serious response to issues raised by knowledgeable scientists. But it does reflect a contempt for good science shown by some within the State Department.

The government implies that it really does not need the science, that it can prove its case with an overwhelming volume of eyewitness reports and classified data. This is disingenuous First, the government did not go public with its charges until it had the first "smoking gun" evidence in hand. And, second, it is very difficult to conceive how it can substantiate its central thesis that the Soviet Union is behind the use of toxin weapons in Southeast Asia without the science.

Government scientists investigating yellow rain have been in an unenviable position ever since Haig first went public with his charge. This position becomes more difficult with every repetition of the charge. The uncertainties over the science of yellow rain cannot be left unresolved. Until they are settled, they cloud the issue of whether treaty-violating chemical of any kind have been used in recent times in Southeast Asia. A first step should be a peer review of the government's yellow rain case by an independent panel of scientists, conducted in an open manner and with access to as much of the intelligence as can prudently be declassified.

MICHAEL HEYLIN,
Editor.

YELLOW RAIN

For years, and from faraway places have come reports of death and sickness from the skies. The tales from ruggedly independent and mostly illiterate mountain people of Laos, Kampuchea, and Afghanistan tell of aircraft-, rocket-, and artillery-delivered clouds of yellowish material that killed rapidly and grotesquely those directly hit. Villagers more fortunate and further away became ill, but with a strange combination of symptoms.

Survivors often told tales of mysterious yellow rainlike spots on or near their villages that they called yellow rain and associated with deaths and illnesses. These tales spurred U.S. investigations. First U.S. embassy personnel collected the victims' grim stories. Then military physicians examined these people, now in refugee camps, for signs of chemical agents used. And finally, the U.S. launched an intensified search for physical evidence.

From the early surveys came the speculation that three possible agents—a harassing agent, a nerve gas, and an unknown chemical—were being used. Chemical analysis of collected material proved futile. No traditional chemical agent—no riot control gas, mustard gas, or nerve gas—could be detected. And still the reports of skin irritation and lesions, of bloody diarrhea and vomiting, of dizziness and trembling, and of death flooded local embassies after alleged yellow rain attacks. The mysterious toxic agent causing these symptoms remained elusive to the chemist's probe for seven years.

Then on Sept. 13, 1981, in West Germany, Secretary of State Alexander M. Haig addressed the Berlin Press Association. In an otherwise unnotable speech, Haig said: "For some time now, the international community has been alarmed by continuing reports that the Soviet Union and its allies have been using lethal chemical weapons in Laos, Kampuchea, and Afghanistan. . . . We now have physical evidence from Southeast Asia which has been analyzed and found to contain abnormally high levels of three potent mycotoxins—poisonous substances not indigenous to the region and which are highly toxic to man and animals."

With these words, amplified the next day by undersecretary of State for political affairs Walter J. Stoessel and U.S. Ambassador to the United Nations Jeane J. Kirkpatrick, an obscure issue was thrust into the spotlight.

The physical evidence that Haig referred to turned out to be a single leaf and twig from Kampuchea. This vegetation was contaminated with parts-per-million quantities of three trichothecene toxins, substances produced by Fusarium fungi. This detection of fungal toxins, or mycotoxins, was the smoking gun evidence the government needed to charge the Soviet Union publicly with waging or abetting biochemical warfare against unprotected peoples in widely scattered areas of the world, and thus with grievous violations of two international arms treaties.

Yet this first piece of physical evidence, says a government official with access to classified information, was not the sole basis for Haig's charge. The U.S. government already had in hand numerous and compelling refugee and eyewitness accounts, reports of medical personnel and aid workers treating alleged victims, defector testimony, and a wealth of classified intelligence data. But the finding of toxins did help to explain the ills and deaths reported by individuals allegedly exposed to chemical warfare.

When trichothecenes subsequently were found in other environmental samples collected from attack sites, and in blood, urine, and other tissue samples from alleged victims—but not from control samples—the government became even more convinced the loop of evidence was closed. It is today so certain its case for Soviet-linked toxin warfare is solid, airtight, and unshakable that the charge often has been repeated by President Reagan in recent months. The President, however, merely has been restating what is explicitly spelled out in several State Department reports to the UN.

As these reports make abundantly clear, the core of the Administration's case is that:

Trichothecene toxins do not occur naturally in Southeast Asia, the locale for the majority of reported chemical attacks.

The levels of trichothecenes recorded in yellow rain samples are greater than those reported for natural outbreaks, and the toxins are not normally found in the combinations reported. Also, there is no history of trichothecene-induced illnesses in Southeast Asia.

The symptoms noted by the Hmong of Laos, the Khmer of Kampuchea, and the freedom fighters of Afghanistan fit the known effects of these toxins in humans and animals.

The finding of mycotoxins in biomedical samples taken from victims confirms the connection between their illnesses and their exposure to yellow rain.

In addition, the government originally argued that: no local Indochina facility exists that can produce the mold and extract the mycotoxins in the quantities being used; the Soviets have such facilities, many under military control; they have long done research on these toxins; and their military doctrine permits toxin use in war. With those givens, the U.S. argues, the Soviets have to be supplying their Asian allies, the Laotians and Vietnamese, and using the toxins themselves against the Afghan resistance.

The U.S. never has wavered from these basic tenets even when critics have pointed out errors, weaknesses, and inconsistencies in the scientific evidence. The government's response to such criticisms has been adamant and creative. Science, the government says, may never be able to provide unequivocal proof of chemical warfare in remote, war-torn areas because of the difficulties of sample collection. Still, the government avers, the scientific evidence presented so far—though not of the caliber of, say, a Ph.D. thesis—is more than sufficient to confirm the overwhelming volume of other evidence.

Even more to the point, the U.S. says that its critics have yet to come up with a better explanation for the presence of mycotoxins in the samples that have been reported. And assailing its critics still further, the U.S. points out that these "armchair" faultfinders have not been on the scene at areas under attack; that they have done little or no research to support their alternative hypotheses; and that at least some of them have ulterior motives. There are even officials within the State Department, a lead government agency in this matter, who show contempt for science in general, and for what science can contribute to this issue in particular.

THE ADMINISTRATION'S CASE

The government's case has not been entirely consistent. There have been hints of the use of toxins other than the mycotoxins found in the samples, often in combination with other, unspecified chemical agents. There are many eyewitness reports of various colored smokes as well as the yellow, rainlike drops. But the basic charge of Soviet complicity in the use of mycotoxin weapons has never varied.

The Administration has dismissed any explanation that purports a natural origin for the toxins. For example, the U.S. deems preposterous a Soviet thesis that earlier U.S. herbicide spraying in Indochina changed the ecology enough to allow the lush growth of elephant grass, a fine substrate for toxin-producing Fusarium fungi. In this, the UN, which has conducted its own investigation of yellow rain, concurs with the U.S. The State Department scoffs at a proposal that yellow rain may, in fact, be bee feces, though it has yet to explain the presence of pollen grains in every toxin-containing environmental sample examined for pollen. That foodstuffs may be infested with Fusarium mold, a possible source for toxins in the biomedical samples, is considered unlikely, though food has yet to be tested in any meaningful way. Toxin-infested grains are known to have caused thousands of deaths in several incidents in the Soviet Union and elswhere but not yet in Southeast Asia.

The Administration may be correct in dismissing these possibilities. It may be correct in saying that some form of chemical warfare is being waged against Hmong, Khmer, and Afghan freedom fighters. Certainly the reports of sudden, massive, and agonizing death have been flowing persistently from Laos since 1975, from Kampuchea since 1979, and from Afghanistan since the Soviet military intervention in 1979. But, based on its released physical and sociological data, the U.S. has made a less than compelling case that the toxins identified in collected samples are man-made weapons of war, and that the Soviet Union is implicated in such warfare.

The grand total of positive physical evidence gathered by the U.S. is slight: five environmental and 20 biomedical samples (including some tissues from an autopsy) from Southeast Asia, plus one contaminated gas mask from Afghanistan. That adds up to less than 10% of all samples tested. But, not only is there a paucity of positives, there are also some disturbing problems with this meager lot and, for that matter, with all the samples collected.

Sample pedigrees either are not known or suspect. Controls are insufficient in number and/or inappropriate in character. Except for the Afghan gas mask, and some autopsy material, all positive samples have been analyzed by one private laboratory and have not been confirmed independently. The Army laboratory analyzing environmental samples has never detected toxins in the numerous specimens from Southeast Asia it has tested—never. In fact, the one environmental sample that contained the highest level of T-2 toxin reported was reanalyzed by this Army laboratory and found to contain no toxin. There are no environmental and biomedical samples from a single alleged attack. And the U.S. has no physical evidence that trichothecenes have been used in a weapons system. Not one piece of military hardware—not a shell, grenade, rocket, canister, or weapon fragment—has tested positive for toxins.

If the physical evidence is insubstantial and questionable, the refugee reports are even more inadequate. Southeast Asian scholars who have examined the reports claim that the refugee material has been poorly collected and organized, mainly because the interviews have been conducted by personnel ignorant of the basic rules of sound sociological research. They claim the questions asked of refugees appear to have assumed chemical warfare and were, therefore, leading. Also, they assert, refugee responses have never been considered in the context of social background. And finally, it is not clear from the material released that refugee interviews have been internally cross-checked or cross-referenced with other data, although the U.S. claims they have.

Of course, the government has classified intelligence data. However, this is neither knowable nor judicable. Hence, it is of limited use to the government in its public effort to convince the world of treaty violations by the Soviets.

To make a credible case for toxins as weapons of war, the government has to demonstrate that the trichothecenes it has found are not of natural origin. At a minimum, it must show that Fusarium fungi, present in Southeast Asia, are not producers of these trichothecene toxins, that pollen is not a substrate for naturally occurring toxin-producing fungi, and that moldy food is not the source of the trichothecenes found in human tissues and the cause of sickness now associated with chemical warfare.

The U.S. also has to reconcile the findings of a recently uncovered 1977 Chinese paper that reports that yellow rain is bee feces. And the government must explain why Hmong reported deaths from the herbicides sprayed by the U.S. in Laos in the early 1970s, and why the Cambodians accused the U.S. and South Vietnam of spraying a lethal yellow powder on some of its villages in 1964. In addition, the U.S. has to explain why no foreign country has come forward with analytical results—not vague statements of evidence—that support its case.

Despite the need for a valid scientific exercise—as constrained as that may have to be under the circumstances—science instead appears to have become captive to Administration policy. No matter how contorted the science has had to become, every government utterance made after Haig's speech

has supported the charge that the Soviets, sometimes through allies, are perpetrating a holocaust on hapless tribesmen by illegally conducting biochemical warfare.

Officially the Administration considers resolved the question of whether toxin warfare has occurred. Only arms control implications need now be pondered. Says Col. James Leonard, a politico-military affairs officer at the State Department: "This is not a scientific problem of the first order, and it can't be treated that way. The U.S. is involved with an arms control verification problem."

One in government who thinks otherwise is Lt. Col. Charles (Denny) Lane. He was assistant Army attaché at the U.S. Embassy in Bangkok from 1980 to 1983. During that period, Lane interviewed many of the Hmong fleeing Laos. He says the experience left him "quizzical." There are a "lot of unanswered questions," he explains. And these "are primarily scientific and have to be addressed by the scientific community."

SEARCHING FOR THE PUTATIVE AGENT

The scientific task has not been easy. And initially the government "had to 'ad hoc' the issue," says Carolyn Stettner of the Arms Control & Disarmament Agency. She should know because she also sits on an interagency intelligence task force chaired by Central Intelligence Agency officer Christopher (Kit) Green, which is monitoring the yellow rain issue. Stettner says that at the beginning there was "no formal mechanism set up to call together a team of experts" to puzzle out the problem.

The failure to detect traditional chemical agents indicated that the agents being used either were too short-lived to be detected days to weeks after an event, or were compounds never before used.

Small-molecular-weight toxins were considered a possibility by a medically trained CIA officer who had done field work in or near Laos, Kampuchea, and Afghanistan. But most government people involved in the issue credit Sharon Watson, a Ph.D. toxicologist and an intelligence research specialist for the Armed Forces Medical Intelligence Center, with first suggesting that trichothecene toxins produced by Fusarium fungi might be the agents causing the symptoms noted by alleged victims.

Her hypothesis was tested on a leaf and stem taken from the site of an alleged March 1981 attack on a Kampuchean hamlet near the Thai border—the physical evidence cited by Haig in his Berlin speech. Three trichothecenes—T-2 toxin, nivalenol, and deoxynivalenol (DON)—were identified by University of Minnesota plant pathologist Chester J. Mirocha. As Watson's thesis now seemed confirmed, the government began looking for trichothecenes in other environmental samples as well as in blood and urine samples taken from refugees who claimed to have become ill after a chemical attack.

Though additional chemical analyses were under way, at this point in fall 1981, the only publicly released data were the quantities of three toxins on a leaf and stem. This slim evidence left many scientists skeptical. One was Rutgers University food scientist Joseph D. Rosen, who since has tested a scraping of yellow powder obtained from Laos by ABC News, and who now believes that toxin warfare is being conducted. He says one piece of evidence—an analysis performed by only one lab, and with no controls reported—was too shaky a platform from which to charge the Soviets with perfidy.

According to Thomas Dashiell, a staff specialist for chemical technology with the Defense Department, that platform is being shored up. "We have been starting essentially from a zero science base. And we are continuing to build a scientific base on these mycotoxins that will be credible in the community."

The U.S. has tested about 100 environmental samples for trichothecenes. Mycotoxins have been found in five samples collected from sites of alleged attacks in Laos and Kampuchea. All control samples collected from areas near but not at attack sites have been found to be toxin-free. Emery William Sarver, chief of the methodology research team analyzing yellow rain samples at the Army's Chemical Systems Laboratory, has not identified a single toxin in any of the myriad samples he has tested. All positive U.S. environmental (and biomedical) samples have been reported by Mirocha. Other than Mirocha, only Rosen, who analyzed a nongovernmental sample, has reported the presence of toxins. And directly or through an intermediary, Mirocha has received all his samples from Watson.

Why Mirocha, according to Watson, is batting five-for-six in finding toxins in environmental samples from Southeast Asia, whereas Sarver is batting about zero-for-60 is yet to be explained.

MYCOTOXINS AS WEAPONS OF WAR

The government contends that the positive sample contain toxins at levels higher than those found in natural infestations. Yet it is hard to know what to make of this claim. Besides the obvious problem of not being able to verify that samples have, in fact, been collected from sites the government claims to have obtained them, the actual collectors of the samples have never been identified. Further, descriptions have never been released of how samples have been maintained in transit from collector to analyst. Contamination and even spiking of samples before the government received them cannot be excluded.

More important, it is unclear what the quantitative values attached to samples—the parts per million or parts per billion—mean.

In the government's most revealing statement to date—a paper published last November in the Journal of the Association of Official Analytical Chemists [66, 1485 (1983)]—Mirocha, Watson, and coauthors do not describe their method of quantitation. They list concentrations of toxins found, and they hint but do not tell how they obtained these figures, says Catherine Fenselau, an analytical chemist at Johns Hopkins University and editor of Biomedical Mass Spectrometry.

Fenselau says that Mirocha did identify trichothecenes qualitatively in some alleged yellow rain samples. Sarver adds that because most collected samples are small, and the chemical analysis itself is fraught with problems, the U.S.-reported results should "very definitely" be regarded as more qualitative than quantitative. Yet a major tenet of the government's case—that the amounts of trichothecenes are too high for natural occurrence—has vincing.

However, assume for a moment that Mirocha can quantitate his analyses. The values he reports range from a low of 0.030 ppm to a high of 143 ppm: Scatter is wide, and replication is nil. Most of his numbers fall within the range of the high levels of trichothecene toxins that have been reported for natural infestations of food and feed grains in Australia, Canada, France, West Germany, India, Japan, and the U.S. For example, Japan has reported 40.4 ppm of deoxynivalenol, and 36.9 ppm of nivalenol in barley, and West Germany has reported 31.5 ppm of diacetoxyscirpenol (DAS) in corn.

The U.S. also maintains that mycotoxins have been reported in combinations never found in nature. This, too, is questionable in the light of other data. These show some species of Fusaria to be copious producers of two or more of the yellow rain toxins.

For instance, a French group in 1978 reported isolating T-2 toxin, nivalenol, and DON from trichothecene-infested corn, a finding that indicates, at least, the simultaneous production of toxin by several Fusarium species. J. David Miller, a mycologist with Agriculture Canada, [Canada's equivalent of the USDA], and his colleagues were able to coax the simultaneous production of DON, DAS, and T-2 toxin from an isolate of *Fusarium graminearum*, and DAS and T-2 toxin from *Fusarium sporotrichiodes*. As sporotrichiodes have been found in Southeast Asia, there is reason to assume that the T-2 toxin and DAS identified in yellow rain samples may be of natural origin. Also, a Japanese group headed by Yoshio Ueno, who is now at Nagoya Institute of Technology, reported that *Fusarium tricinctum* and *F. roseum* both produce T-2 toxin and DAS.

Even Mirocha in a 1981 interview with C&EN didn't discount the possibility of a Fusarium species producing what the government now terms unusual combinations of toxins. "It's hard to say that none of them will ever do this. We never really had extensive studies," he said.

The trichothecene toxins in U.S. samples have been scraped off rocks, detected in water, and brushed off leaves. Mirocha and Watson say this indicates a manmade origin for the toxins, since these are not normal substrates for Fusaria, and Fusaria are not leaf pathogens.

On the other hand, Rodney D. Caldwell, a mycologist at the University of Wisconsin, Madison, points out that three Fusarium species—roseum, nivale, and poae—have been described as leaf pathogens. Last year, Thai scientists at Mahidol University isolated *Fusarium semitectum* var. semitectum from yellow spots on leaves collected in Thailand near the Kampuchean border. A crude extract of the fungus injected into mice killed them, indicating that the fungus was producing toxin, possibly even a trichothecene. Paul E. Nelson, a plant pathologist and Fusarium expert at Pennsylvania State University, says Fusaria are not normally leaf pathogens, and the Thai scientists haven't proved that they are. *F. semitectum* does colonize leaves in the tropics, he acknowledges, but whether it produces toxin is still an open question. The Thai scientists, he points out, induced toxin production in a laboratory, not in nature.

To clinch the argument that the toxins found in yellow rain samples are not of natural origin, the U.S. claimed initially that Fusaria are not indigenous to Southeast Asia because it is tropical, and hence any detection of trichothecenes is proof of weapon use. That argument advanced by Watson on the basis of an incomplete literature search, soon fell by the wayside.

This error might not have been made had Mirocha been consulted. In a 1981 interview, he told C&EN, "The organism Fusarium and its various species are found throughout the world. . . . Fusaria without question absolutely are found in the tropics. . . . It is a very serious pathogen in Central America, very destructive to the banana plant."

It has been known since at least 1939 that Fusaria occur naturally in Southeast Asia. Then French mycologist Francis Bugnicourt documented their presence in his doctoral thesis. In addition to the Thais who have isolated one species of toxic Fusarium, Canadian mycologists recently isolated two species (*F. semitectum* and *F. sporotrichiodes*) from samples collected near the Thai-Kampuchean border; both are known toxin producers in temperate climes and under some lab conditions. Whether they produce toxins in the tropics is not known.

That, however, may be the wrong question. More pertinent is whether Fusaria are present at the high altitudes the Hmong call home, and whether they produce toxins under the climatic conditions at these heights. The temperatures at the mountaintops more closely resemble the temperate zones favored by toxin-producing Fusaria, a fact always overlooked in U.S. statements.

Even though the major arguments for a man-made origin for these mycotoxins seem to have been diminished by the weight of scientific evidence, the U.S. still insists that its small number of positive environmental samples are scientifically impressive. A close examination of the results reported on each sample, each with its own set of thorny problems, reveals otherwise.

A CLOSE LOOK AT FIVE SAMPLES

The first leaf and stem collected from a Kampuchean attack in March 1981 was split into two samples by Watson's group, and one was spiked with 400 ppm of T-2 toxin. When Mirocha received them through an intermediary in July, each weighed 200 mg. He extracted the whole samples, cleaned up the extracts using a ferric-gel procedure, prepared the extracts for analysis by converting them into trimethylsilyl ether derivatives, and analyzed the derivatives for toxins using gas chromatography combined with mass spectrometry in the selected ion mode.

He monitored two peaks and chromatographic retention times, but the temperature at which he ran his chromatography—a crucial determinant of retention time—has not been reported. He failed to indicate temperature in his November paper, which also contains no full spectra of authentic material (standards) or a literature citation where such a spectra can be found.

For the unspiked vegetation sample Mirocha reported 3.17 ppm T-2 toxin, 109 ppm nivalenol, and 59.1 ppm DON. On the spiked sample, he reported 35.7 ppm T-2 toxin—indicating a less than 10% recovery of T-2 toxin on that run—21.7 ppm of nivalenol, and no DON. Not only was the apparent recovery poor, but the ratio of nivalenol to deoxynivalenol changed. If the two halves are from the same leaf and stem, the absolute numbers could vary from one analysis to the next, but the ratio of one toxin to another would be expected to remain the same.

True, there is a problem of scatter in data—a problem that Mirocha may not consider because he doesn't report variance data in his November paper. And it is indisputable that each of the three toxins has a different solubility, as Sarver argues in defense of the reported data. Still, Mirocha analyzed two halves of the same leaf, using the same analytical technique, and got results very hard to explain.

The apparent poor recovery—less than 10%—could be a result of small sample size. Or, as Mirocha tells C&EN, it could be that the recovery was good but the spiking was not. Mirocha is correct in arguing that "the spiking could be as inaccurate as [the Army's] facility to spike allowed."

The second sample found positive for trichothecenes was 10 mL of water containing some never identified floating debris. This sample allegedly came from the same March 1981 Kampuchean attack site as did the leaf and twig sample, yet Mirocha only found 0.22 ppm or 66 ppm of DON, depending on whether the calculation is based on 10 mL of water or on the 33 mg of residue formed on evaporation. He found no T-2 nor nivalenol, which he found in the leaf sample. This is odd because nivalenol is even more water-soluble than DON and was found in far higher amounts than DON in the leaf and twig. Mirocha also reported finding DAS at 296 ppb in the water but not in the vegetation sample. So for whatever reasons, and Sarver says "distance [of the collected sample] from the main event is a determining factor," the vegetation and water samples from the same alleged chemical attack were found to contain very different combinations of toxins.

A rock scraping of yellow-green powder was the third sample found to contain toxins. This sample came from a March 23, 1981, aerial spraying attack in the Phu Big (northeast of the capital, Vientiane) region of Laos. Mirocha analyzed the sample on Oct. 20 or 23, 1981 (both dates are listed in his November paper), and found 143 ppm of T-2 toxin, 27 ppm of DAS, and a trace of another mycotoxin, zearalenone. Sarver's laboratory found pollen in the powder.

A year later, Sarver analyzed another portion of this powder, which had been found to contain the highest level of any trichothecene reported by the U.S.: 143 ppm of T-2 toxin. Sarver found none of the compounds previously identified by Mirocha.

Sarver and Mirocha both use GC-MS, but their extraction and cleanup procedures are different. Yet both find T-2 toxin in spiked samples. Says Sarver: "We do not miss the T-2 when it is present in those samples, nor does Mirocha. I think we can say the analytical techniques are similar." So why the difference?

"It came as no surprise to us," says Watson. The sample, sitting out the entire year in a capped vial at room temperature, "contained quite a bit of soil. . . . Soil microorganisms were present, and are certainly capable of breaking down the trichothecenes," Watson claims. Several chemists who regularly work with trichothecenes agree that some, but not total, degradation may occur in a year's time.

Complete degradation could occur if the sample picked up a lot of moisture, thus enabling the bugs to grow. "But growth like that would be obvious," says James R. Bamburg, a biochemist at Colorado State University. Unless there is excessive moisture, "it would surprise me that the trichothecene levels dropped to zero," Bamburg adds. Charles Thorpe, a supervisory chemist at the Food & Drug Administration, agrees. "I see no reason why T-2 shouldn't be present a year from now at almost the same level as today. Even if it is moist, I still would expect to find T-2 unless the sample was exposed to strongly acidic or basic conditions," Thorpe says. Watson and Sarver have never described the sample as moldy, or to have been exposed unintentionally to acid or base.

Sarver also argues that his zero finding may be explained by the powder's heterogeneity, or by variance. And he notes that his extraction procedure recovers only 10% of the trichothecenes when pollen is also part of the residue, which it was in this sample.

When asked about this startling discrepancy, Matthew S. Meselson, the leading critic of the government's case and a Harvard University biochemist who has counseled the White House, the departments of State and Defense, and the Arms Control & Disarmament Agency on biological and chemical warfare issues for the past 20 years, was nonplussed. He points out that T-2 toxin in that sample would have had "to go down by more than 1000-fold because Sarver's sensitivity is around 60 to 80 ppb and Mirocha had reported 143 ppm, or 143,000 ppb."

Sarver's failure to find toxins in this residue sample highlights a major problem with the Southeast Asian samples: None, according to Watson and Sarver, have been tested and confirmed to contain trichothecenes by two or more laboratories.

However, Watson says, the high T-2 toxin-containing residue sample analyzed by Mirocha may have come from the same attack as the ABC News sample analyzed by Rosen at Rutgers University. "It turns out they were collected the same week from the same village . . . and we think they came from the same attack series, maybe even the same attack," Watson says.

Rosen found T-2 toxin, DAS, and DON at about 50 ppm each. He found zearalenone at 265 ppm and some peaks suggesting the presence of the man-made compound polyethylene glycol (PEG). Watson claims Rosen's identification of T-2 toxin and DAS at about 50 ppm each "is well within the ball park for independent sampling at different times." However, Mirocha reported only a trace amount of zearalenone and no PEG.

Another characteristic common to both samples is pollen. Palynologist Joan W. Nowicke of the Smithsonian Institution and Meselson found pollen in a portion of the ABC News sample given to them by Rosen, and Sarver's laboratory found pollen in the sample Mirocha analyzed.

Rosen claims the ABC News sample is true yellow rain, and could have come only from a weapon because it contains mycotoxins, pollen, and PEG. He claims PEG or a derivative would be the logical dispersant for the weapons system. The presence of PEG "makes irrelevant any explanation for the natural occurrence of yellow rain," he asserts. However, no other laboratory has identified this man-made substance, and contamination of his sample before he received it, or even during his analysis, can't be ruled out.

Sarver has "not found evidence of PEG." And he hasn't looked for the material, even after Rosen's report, because he has "seen so many man-made compounds in these samples that it is unbelievable." He also implies that he can't eliminate the possibility that the source of the man-made material may be the containers in which the samples are collected and transported.

The ABC News sample may be the only non-U.S. government sample to be analyzed and found to contain trichothecenes. No other nation has come forward with data indicating the qualitative or quantitative detection of trichothecenes in yellow rain samples.

The fourth positive environmental sample was a tiny rock scraping from an alleged aerial spraying of a hamlet in Laos on April 2, 1981. The sample was so small, about 1 mg after methanol extraction, that Mirocha reported the presence of DAS at 10 ng per vial, or about 10 ppm.

The fifth and last positive sample was obtained from an aerial spraying of Thai villages near the Kampuchean border on Feb. 19, 1982. Hundreds of yellow-spotted leaves were collected and distributed widely.

Mirocha identified T-2 toxin at 0.086 ppm and DAS at 0.030 ppm—levels far lower than those detected in the other samples. According to University of Saskatchewan mycotoxicologist H. Bruno Schiefer, Thailand, France, Britain, Sweden, and Canada also found trichothecenes, mainly T-2 toxin and DAS, in the 40- to 100-ppb range, the same as Mirocha's findings. Unfortunately, this one instance of apparent replication can't be verified because only the U.S. has released hard data.

Canadian and Thai scientists also found pollen in the yellow spots. And the Thais also claim to have isolated a Fusarium fungus from their samples. But all of these findings may be irrelevant, says Schiefer. He believes this was not a true yellow rain attack, but a "Vietnamese diversionary tactic."

Ruse or not, the exercise has some value, Schiefer says. A Canadian epidemiologic study was able to correlate "very minute disturbances in the health of the occupants of houses sprayed" with the low levels of mycotoxins purportedly confirmed by several laboratories. The Canadian team unearthed no health complaints from occupants of houses not sprayed, Schiefer adds. There is one small hitch: The yellow powder was said to be sprayed from an aircraft flying at 5000 feet. The Canadians have yet to explain satisfactorily how material sprayed from that altitude can fall so precisely on a few selected houses but not on adjacent homes.

The only other positive nonbiomedical sample in the U.S. government's possession is the Afghan gas mask. The mask, believed to have been purchased by the U.S. in Kabul in September 1981, was analyzed by Mirocha, Sarver, and a third laboratory, possibly FDA. C&EN can't confirm that the mask was purchased, or the FDA analyzed it because the State and Defense departments have failed to answer these and many other questions put to them by C&EN. At any rate, each of the laboratories reported T-2 toxin on the outer surface of the mask, but not on the filters.

This single gas mask is the sum total of the government's physical evidence for toxin chemical warfare in Afghanistan. Another mask and some environmental samples have never been confirmed to be contaminated with toxins.

The five positive samples hardly prove a man-made origin for the mycotoxins found in Southeast Asia. And the U.S. hasn't analyzed and reported the results on enough control samples to prove that these mycotoxins are not part of the natural environment of that region.

Though Watson speaks of "all those controls," to date the U.S. has released information on only nine environmental samples: one water, two soil, one corn, one rice, and four leaves. These were collected from an area in Kampuchea said to be near Phnom Mak Hoeun, an alleged attack site. All tested toxin-free. But they were not collected in the same season as the toxin-positive samples.

No control material has been reported for the Phu Bia Mountain area of Laos, from where the majority of chronicled refugee accounts come. However, Sarver has said the U.S. has tested 16 controls. Some of these may be from Laos.

TWENTY TOXIN-POSITIVE BIOMEDICAL SAMPLES

According to Watson, fewer than 100 victims have been sampled to date. Blood and urine specimens have been collected from more than 60 people complaining of some of the symptoms the government associates with yellow rain. Of these, 20 have been found to contain T-2 toxin and/or its metabolite HT-2, usually in the low parts-per-billion range. Two of the 20 positives have been designated as tentative findings because Mirocha did not have enough material to run a full mass spectrum on them, a requirement for full confirmation. The significance of the other 18 positives also is in doubt. Positive samples often have been collected one to 10 weeks after an alleged attack, yet animal studies indicate that these toxins are almost entirely flushed from the body within 48 hours of exposure.

About 40 individuals who claimed to have been exposed to yellow rain have been tested and found to have no mycotoxins in their body fluids. "A negative from a person who is exposed has a lot of qualifiers around it," says Watson as an explanation for only one in three "victims" testing positive for toxins. Among these qualifiers, Watson says, are variability in rates of toxin metabolism by individuals, the distance the villager was from the site of attack, how much of a dose of toxin the villager received, and how long after an attack the sample was taken.

With the 20 toxin-positive, and 40 toxin-negative samples, Watson has accounted for about 60 of the 100-victim ball park figure she uses, which still leaves some 40 victims unaccounted for.

In addition to the samples from 100 victims, about 16 biomedical control samples have been collected, and have been found to be free of trichothecenes. If not insufficient in number (though this is difficult to know for certain because of the government's poor reporting practices), these blood and urine controls are inappropriate in character. Though apparently age- and sex-matched, the controls were healthy individuals, probably not eating the same diet as the so-called victims.

Writes Chancellor Lewis Thomas of Sloan Kettering Memorial Cancer Center: "We need to know whether trichothecene toxins are or are not present in the hospitalized people from the same area, malnourished and moribund but never exposed to yellow rain." Says Meselson, "The use of apparently healthy controls risks excluding trichothecene positives from the control group."

The U.S. government still rules out a natural origin for the mycotoxins found in body fluids, even though its biomedical protocol is apparently poorly designed and it has no positive environmental and biomedical samples from the same alleged attack. It makes the link to toxin warfare largely on circumstantial evidence. Says Watson: "The victims described a material that is sprayed by aircraft after which [a particular] set of symptoms begins."

However, there are problems with Watson's scenario. For instance, in some of the alleged events no mode of delivery is specified; the "victims" don't know where the yellow rain comes from, but they associate it with their illnesses. Then there are the animal studies, which indicate trichothecenes are eliminated rapidly from the body. And then there are the 40 individuals who claim to have been exposed to toxins, presumably became ill, yet have tested negative for toxins. And finally, there is the food eaten by the refugees, which may contain Fusarium mold, but which has not been tested extensively.

Although the U.S. cites autopsy evidence as the clincher in its solid case for the man-made origin of these toxins, the data from the only reported autopsy seem to support a natural origin. The victim, Chan Mann, a Kampuchean soldier, reportedly was exposed to a toxin attack on Feb. 13, 1982; a month later he was dead. Canadian medical officers who examined him say he died of blackwater fever, a form of malaria.

Both Mirocha and Rosen analyzed Mann's tissues for trichothecenes. Though Watson says Rosen's recoveries were better, only Mirocha's analysis has been released. He found the highest levels of toxin in the esophagus/stomach (4.02 ppm HT-2), kidney (2.55 ppm DAS), heart (1.2 ppm HT-2), and large intestine (88 ppb T-2 toxin and 9.6 ppb HT-2).

Timothy D. Phillips, a toxicologist at Texas A&M University, analyzed the same tissues for aflatoxin, a mycotoxin endemic to Southeast Asia. He found very high aflatoxin levels in stomach, liver, kidney, and intestine: "higher than one would expect to find in samples of human tissue," he says.

Meselson says the high levels of aflatoxin and trichothecenes in Chan Mann's gastrointestinal tract indicate "the ingestion of moldy food within the previous day or two." Such contamination of food is a distinct possibility in Southeast Asia, he says. T-2 toxin has been found to infest corn and sorghum in India, he points out. Phillips agrees that recent ingestion of, at least, aflatoxin is a possibility.

Watson, on the other hand, believes aflatoxin "was probably introduced via the diet; the trichothecenes, however, were certainly introduced via chemical exposure." She knows this because "trichothecenes are not endemic in that area, they do not contaminate food sources, they would not be expected to be found there, and have never been found there." Besides, she says, "He was exposed to a chemical attack in which he described symptomology that fits with the trichothecenes, and trichothecenes were found in the autopsy specimens."

A PARTICULAR SET OF SYMPTOMS

The major symptoms that the U.S. relates to trichothecene exposure—vomiting and diarrhea, sometimes with blood; skin rashes and lesions; dizziness; fatigue; tremors; and death—also are signs of diseases endemic to the area: respiratory (tuberculosis) and gastrointestinal (gastroenteritis) problems, fungal skin infections, malaria and hemorrhagic dengue fever, to name a few.

Donald B. Louria, chairman of the department of preventive medicine at the University of Medicine & Dentistry of New Jersey Medical School, spent a month at the Khao I Dang refugee camp in Thailand near the Kampuchean border. During that period he was presented the "best" yellow rain case collected by aid workers monitoring the issue for the U.S. "The prize case [of a yellow rain victim] they reported to me didn't sound like mycotoxicosis, it sounded like leukemia." Also, he says, "I didn't see anything there that gave me confidence that data were being collected that would answer the question [that yellow rain toxins are causing diseases]." Other volunteer physicians interviewed by C&EN have confirmed Louria's assessment of the U.S. collection effort.

Louria adds that with all the symptoms being reported for yellow rain exposure, "it is very difficult to establish a definition of a

case." An official with access to classified information apparently agrees. The government can't separate the symptoms of mycotoxin exposure from "those due to other things in the mixture. There is no case in which only the mycotoxin has been dropped," he says.

In fact, the November 1982 State Department report (known as the Shultz report) says increased reporting of abdominal pain and prolonged illness with no bleeding suggests that "another agent or combination of agents is being used. The explanation is complicated because different symptoms are ascribed to men, women, children, and animals." Watson, however, insists there is a "particular set of symptoms that are associated with yellow rain attacks," and she furnishes a time course of symptom development to illustrate this.

Assuming that Watson is correct and trichothecene toxins are producing a "particular set of symptoms," the finding of T-2 toxin—and often not its metabolite HT-2—in human tissues weeks after an alleged exposure has to be explained.

Watson says humans may retain trichothecenes in an as yet to be identified depot. Trichothecene release may be biphasic, she explains, with an initial rapid excretion, followed by a delayed release. There are no documented data so support her thesis. Most animal studies indicate that the T-2 toxin, especially, is excreted from the body in 48 hours when the toxin is given orally, or by intravenous injection. Until recently there were few studies in which the toxins were introduced via inhalation, or through the skin.

William B. Buck, director of the Animal Poison Control Center at the University of Illinois, says ongoing studies in his laboratory indicate that for swine and cattle T-2 toxin's half-life in the blood is 15 minutes, and no toxin can be detected in the plasma after three hours, or in tissues after 12 hours. His group never detects T-2 toxin, or the more toxic DAS, in the blood or tissues after a single oral dose. Buck has not yet done inhalation, or continuous oral or dermal studies, but he thinks "it is unlikely that the toxins, especially the parent compounds, would be present in the blood two months after exposure."

The government's studies probing the question of toxin retention are ambiguous. David L. Bunne of the Army Medical Research Institute of Infectious Diseases, who has been tracking the metabolism of T-2 toxin, says metabolism is dependent on the route and dose administered. By intravenous injection, T-2 toxin in rodents has a "half-life measured in a few minutes, but then there is a second leg," he says. "If you expose an animal by skin, the final absorption is not complete even at the end of a month . . . the skin appears to be functioning as a reservoir . . . and there is a significant residual in both the liver and kidney," he explains. He has done few inhaltion studies, and has "no good data" for T-2 toxin by this route.

As Bunner himself points out, his metabolic studies are difficult to interpret. He uses labeled T-2 toxin and measures the label. "We still have to prove which [one] of the toxin structures" is being followed in the blood and organs. "We don't know if it is T-2, or which of its metabolites," he adds. He also doesn't know if he is merely tracing the labeled element.

The problem, says Meselson, is that "every time you look at any of the data, you find you have to spin out lots of very peculiar assumptions to preserve the State Department's point of view—like the half-life issue." The two-phase argument for the persistence of T-2 toxin is questionable, says Meselson.

He explains: "A significant problem with the argument is the volume of blood in a person. When T-2 is in the blood it has a 15-minute half-life. That means that T-2 has to be pouring constantly, at a tremendous rate, from this hypothetical depot. Since there is so much blood in your body, it must mean grams of the stuff inside of you."

THE PRICKLY PROBLEM OF POLLEN

Not only do animal studies suggest that the toxins found in the human tissues may be from recent ingestion of moldy food, but the pollen found in the environmental samples also may indicate a natural origin for these toxins. The extreme lengths to which the government has gone—and then retreated from—to explain the presence of pollen is yet another example of contorted reasoning in defense of its case that the toxins are manmade weapons.

The U.S. confirmed that pollen is a significant part of yellow rain samples in November 1982, after Thai scientists at Mahidol University, and Agriculture Canada mycologist Gordon Neish already had reported finding pollen in yellow rain. According to Alastair Hay, a chemist at the University of Leeds, "British scientists at the Chemical Defense Establishment at Porton Down" also found pollen in samples that year, as did Swedish defense scientists looking at specimens for the special UN team investigating toxin warfare allegations. And, of course, that year Australian Defense Department scientists found so much pollen and so little toxin that they declared their yellow rain samples "fakes."

The U.S. government at first accepted the presence of pollen in the samples as further proof of Soviet culpability. The theory then was that pollen, as a carrier for the mycotoxins, was an integral part of the weapon. At a November 1982 briefing, Gary Crocker, a State Department intelligence officer, said that "commercially collected pollen, pollen collected by insects, happens to be the right size to be retained in the body."

At the same briefing, Watson further clarified the role of pollen in the weapons system. As she explained the then-current theory: "The agent, as it comes down, is wet, and at this time the primary exposure appears to be through the skin. The toxins are dissolved in [a] solvent, going through the skin very quickly. But as the agent dries, the secondary aerosol effect can be caused by kicking up this pollenlike dust that is of a particular size that will be retained in the bronchi of the lungs. So there are two different ways the compound is absorbed." She went on to describe the toxin-pollen-solvent combination as a "very clever mixture."

This use of pollen as part of the weapon meshed with the Soviet Union's having a well-developed pollen industry, whereas Southeast Asia does not. And a U.S. official with access to classified information recently confided to C&EN that there is evidence of "an association of bee pollen collecting facilities near the confines of a chemical weapons facility in the Soviet Union."

The explanation for the presence of pollen in the toxic agent seemed to be supported by the research of University of Maryland chemist Bruce B. Jarvis. Working under an Army contract, he found bee pollen to be a good culture medium for the production of Fusarium spores. Under his laboratory conditions he had indications that a particular Fusarium strain was prodded into toxin production, possibly even trichothecenes.

Repeated reports of pollen, and especially the claims by Army and State Department officials that insect-gathered pollen is a "clever" vector for transmitting man-made mycotoxins, piqued Meselson's curiosity. At a meeting on yellow rain at Cambridge last spring, several pollen experts identified the plant families of some of the pollen. When Peter S. Ashton, the director of Harvard University's Arnold Arboretum, who was in attendance, heard the list he reportedly said, "The plant families are all common in Southeast Asia, and the pollen is gathered by bees."

As Meselson tells the story, Ashton then consulted a former Harvard fellow, Thomas D. Seeley. Seeley is a Southeast Asian bee expert who now teaches at Yale University. When Seeley heard that the yellow spots were a few millimeters in diameter, occurred over a small area at a density of several spots per square foot, changed in appearance from a sticky blotch that eventually dried to a powdery consistency, and continued to appear over a period of days, he told Ashton that the yellow spots sounded like feces of bees of the genus Apis, the true honeybee. This prompted Meselson and Ashton to collect bee feces around Harvard, and to photograph and examine the collected material.

In the meantime, palynologist Nowicke was examining the pollen of yellow rain collected by Canadians in Laos, and also a portion of the remains of the ABC News sample. Seeley also was examining samples of yellow rain, including the ABC News sample.

Based on descriptions of yellow rain, and their own examination of yellow rain and domestically collected bee fecal material, Meselson and Seeley, speaking for themselves, Nowicke, Ashton, and Julian P. Robinson, a chemical warfare expert from Sussex University, last summer told a gathering of the American Association for the Advancement of Science, "Whatever the source of mycotoxins in various samples, it is possible that yellow rain is bee excrement."

Photomicrographs of yellow rain and locally collected bee excrement were very similar in appearance, Meselson and colleagues said. Similar even down to the presence of bee hairs and high pollen count. A striking feature of all the spots examined was the variable diversity of pollen types from spot to spot.

Nowicke says that in the Laotian yellow rain samples she examined, including the ABC News residue, she was able to identify "pollen types consistent with plant families in Southeast Asia." In fact, she has found pollen types from two species of plants found only in Southeast Asia. She says all the spots and the ABC News residue examined contain a diversity of pollen, but the pollen composition of no two spots (or residue) is identical. "If the pollen were from an artificial source, I would expect the spots to be more uniform" in pollen composition, she says. Meselson argues that the lack of uniformity among the spots is a "characteristic of authentic bee shit."

Says bee expert Seeley: "I have no doubt that the yellow rain samples that people have turned in, and that I have seen, are bee feces. I say this because of their texture, size, and the fact that they were dense mixtures of pollen and other material." Sarver says the government contacted the "few

people that know enough about bee feces to be an authority on it . . . and none of them are clear enough in their definition to indicate that by physical examination one can determine bee feces." He did not name these authorities.

Nowicke also believes that the material she has "been looking at is bee feces. But this doesn't deny the existence of yellow rain," she adds. It does, however, cast into doubt the government's claim that yellow rain samples turned over by refugees and others are evidence of toxin warfare.

"On the evidence that there is around, the bee theory is as good as any other theory," says Robinson. "The only reason we put it up was to encourage people to do more serious work on yellow rain, and to make them look ridiculous if they didn't."

It didn't work. The State Department immediately derided the theory as "the great bee caper." Mirocha termed it "ridiculous, and even absurd." Canada's Schiefer asked, "If yellow rain is bee feces, why is there heavy amounts of bee defecation only in militarily contested areas?" Watson denied the existence of pollen in all but one yellow rain sample.

Watson argues that only the highest T-2 toxin-containing yellow powder contains pollen. Sarver, however, amends that, saying that there are 11 or 12 powders from Southeast Asia with a "high content of pollen." More to the point, of the government's five positive environmental samples, some of which the Army says had no yellow spots, only two have been tested for pollen, and they were found to contain pollen.

If the universe is widened to include yellow rain samples from sources other than the U.S. government, then Meselson knows of 16 yellow rain samples that have been found to contain pollen. These include two UN specimens, five U.S. samples, one Thai specimen, two Canadian samples, the ABC News residue, one British sample, and four Australian samples, one of which was found to contain uric acid, an indication of bee fecal matter.

This plethora of pollen is not sufficient for Watson, and so she now backpedals: "That association between pollen and the attacks is not firm at this point," she insisted in November 1983. "That was never really a crucial issue . . . whether pollen is or is not involved is irrelevant."

Then Watson states as dogma that which should be the question: "What is involved is the fact that people are being killed with toxic agents. . . trichothecenes are a component of that agent, and that constitutes a treaty violation. What the carrier is is irrelevant."

It isn't irrelevant. If yellow rain is bee feces, it discredits the government's case. It places in doubt all the eyewitness reports. If refugees are wrong about the agent, may they not also be wrong about associating illness with Soviet-sponsored warfare? It also repudiates the government's star witness: the enigmatic Amos Townsend. Townsend, a physician working with the International Rescue Committee in Thailand, has been on the State Department's payroll for more than a year. His assignment: to collect evidence of yellow rain warfare.

Last August, after consulting "bee experts" in Thailand, Townsend sent the State Department a rebuttal to the bee feces theory. Seeley, who knows most of the bee experts in Thailand, was not familiar with any of the men whom Townsend consulted. And he was further puzzled because Pongthep Akratanakul was not queried. Seeley says that Akratanakul "is, to the best of my knowledge, the most knowledgeable person about honeybees in all of Thailand."

It is also puzzling and ironic that Watson has distributed Townsend's rebuttal to reporters. In it Townsend totally undermines Watson's present position by insisting that pollen is an integral ingredient of the toxic agent being used in Southeast Asia. He writes that a "Thai entomologist has said that there was 'too much pollen for bee feces' in the yellow rain spots"—too much pollen in yellow rain.

Townsend attaches much significance to white spots occurring "at the same time and place as the yellow spots and over the same area" in Kampuchea. He describes, but never identifies, these white spots, and he never explicitly connects them to alleged yellow rain attacks. They may be bird droppings or even the remnants of mold. Townsend also addresses spot density per unit area, which Seeley says needs more study. And he says the spot sizes he sees are too large to be bee feces. Seeley, however, says Townsend may be looking at more than one bee dropping. Finally, Townsend says the large area over which he finds spots is "unrealistic." To this, Seeley responds: "Townsend may not be looking at bee fecal matter."

Indeed, Townsend's rebuttal of the bee theory is so vague that even if his points are valid, they can't be interpreted as such by the reader. The inarticulate reasoning in the rebuttal supports the appraisal of Townsend by many physicians who have worked with him at the Nong Khai refugee camp in Thailand. They say that his interview techniques leave something to be desired and that he has not yet carried out the systematic investigation needed to help resolve the issue.

Sarver, who has done a systematic analysis of colleced samples, has been quoted as saying that "the evidence strongly supports" the involvement of bees. Further, he says the evidence does not exclude the possibility that yellow rain is bee feces, although he doubts this.

Meselson, with no such doubts, has tried to tie all the pieces of evidence together. First, he notes that all five of the government's positive invironmental samples, and 17 of the 18 firm positive biomedical samples, were collected from mid-February to mid-April, the tail end of the dry season in Laos and Kampuchea. This is a time of year when bees swarm in India, he says, and they also may swarm in Southeast Asia, although this is not known. This is also said to be the time of year when the hill tribesmen of Laos and Kampuchea, traditional rice eaters, turn to other food such as corn, which is a good substrate for Fusarium. Indeed, Meselson suspects, and there is some evidence for this, that this is also the time of year when Fusarium blooms—when the concentration of spores in the air reaches a high peak.

FITTING THE PIECES TOGETHER

Integrating all these pieces, Meselson speculates that at the same time people are eating moldy food and getting sick, the bees swarm and defecate. Because these two events are happening together, the people relate illness to yellow spots. Then on top of this float rumors of chemical warfare.

Some of these rumors may be traceable to 1964. Then, the Kampucheans accused the U.S. and South Vietnam at the UN Security Council of spraying lethal yellow powders on their villages and killing people. Less than a decade later, the U.S. sprayed the Hmong's poppy fields with herbicides. And Hmong reported deaths. So in both Kampuchea and Laos there is a collective history of aerial spraying and, perhaps, a basis for present-day rumors.

Meselson doesn't speculate about the nature of the spots on leaves and the yellow powders. "I have very high confidence that the yellow materials are bee feces not having anything to do with chemical warfare. I would assert with high confidence, but not as high as the first one, that the toxins found in environmental samples and in human tissues are of natural occurrence, not from military operations. The reason is the time delay between the finding of toxin and the alleged attack, and . . . that in that one autopsy the toxin was mostly in the stomach and intestine, and the man became ill just before he died."

Meselson's third proposition, to which he attaches no confidence level "because it is sheer speculation, is that we may be dealing with pellagra. I say this because of the symptoms and the seasonality." Pellagra is conventionally described in medical textbooks as a niacin-deficiency disease characterized by dermatitis, inflammation of the mucous membranes, diarrhea, and psychic disturbances. It occurs in the springtime and in some areas of India. But what is puzzling is that the people of these areas eat a lot of niacin-rich sorghum, which has been found recently to be tainted with T-2 toxin.

Louria, who treated Kampuchean refugees at Khao I Dang, says he "saw nothing in the refugee complaints to suggest pellagra." Though he said he did see "a lot of multiple vitamin deficiencies."

Meselson reaches these conclusions after an examination of the government's evidence. Controls for natural occurrence of the toxins in the environmental and biomedical samples are too few and not well matched. The finding of toxin in blood weeks after an attack is difficult to reconcile with the half-life evidence from animal studies, and the finding of the toxin at high levels in the autopsy material—in the first organs of entry for ingestion—indicates fairly recent consumption of moldy food.

Then, Meselson says, if you look at the modes of delivery reported by alleged victims whose blood contains toxin, you find an aircraft flying at above 5000 feet (too high for a spraying operation; crop dusters fly between 100 and 300 feet), a low-flying helicopter, artillery shells, a grenadé, and a land mine. Sometimes the victims allege exposure by walking through a field they were told was contaminated, sometimes no delivery mode is mentioned.

And still with all these reports, no munition has been retrieved that tests positive for toxins, Meselson says. The Pentagon's Dashiell says that's because the more recent attacks over Laos have involved aerial sprays of the toxins. Still, shells, grenades, rockets, and canisters have been reported to be the delivery systems for early attacks in Laos, and for attacks in Kampuchea to this day. The attack sites in Kampuchea are near the Thai border, so it is conceivable that weapons or their fragments can be carried into Thailand, just as environmental samples are. Also, it is apparent that none of the fragments and weapons examined show the design characteristics of chemical, as opposed to high explosive, weaponry.

And, Meselson says, there's the pollen. "It is incredible that anyone would use pollen. It's very, very outlandish. Then for it to be Southeast Asian pollen!"

It turns out that pollen can be nature's vector for transmitting mycotoxins. Leeds University biochemist Hay says that two pathologists in 1927, writing in the Philippine Journal of Science [32, 103 (1927)], knew that "disease-producing fungi could be carried on pollen grains from infected banana plants to healthy ones."

Further evidence that yellow rain may have a natural origin comes from a 1977 Chinese paper, which just surfaced. Written by four geologists at Nanking University and published in Science Bulletin (Kexue Tongbao, 22, 409, 1977), the paper describes the descent of yellow rain for periods of up to 20 minutes over areas as large as 20 acres in the province of Northern Jiangsu in 1976. The scientists report that the yellow drops fell as a viscous liquid that stuck to plant surfaces, forming up to 160 spots per square meter, with each spot a few millmeters in size, and then dried to a powder.

The spots were composed mainly of pollen from trees and plants of the area, but algae and other micro denzins of ponds where bees drink were also part of the spots. Because of spot size, the types of pollen grains found, and the proportion of grains with wall damage, the scientists conclude that the spots are probably fecal material released by bees on cleansing flights. No illnesses were reported.

The Chinese, it seems, weren't the first to comment on yellow rain. Charles Darwin reported the phenomenon in 1863. His observation is recorded in "The Collected Papers of Charles Darwin," Vol. II, edited by P. H. Barrett.

Buoyed by this scientific support, and by his and Norwicke's palynological analysis, Meselson says of Southeast Asian yellow rain: "If this stuff isn't bee feces, a most incredible and sophisticated effort has been applied by the Russians to make it look precisely like bee feces."

MILITARY UTILITY OF TOXINS

The larger issue is why the Soviet Union, or any country for that matter, would use trichothecene toxins as warfare agents. The U.S. argues that it is a very devious choice of weapon, so unusual that it took years to detect. Its use strikes terror in unsophisticated and unprotected hill people by killing some in a gruesome way and driving the rest permanently from their contaminated land. It is, says State Department intelligence officer Crocker, an effective weapon against "a dug-in resistance in remote areas." But, then, so are the less exotic harassing agents.

So why link trichothecenes to nefarious Soviet behavior? As a first cut, the U.S. argues that trichothecenes are indigenous to the Soviet Union. The Soviets have suffered several trichothecene-poisoning incidents. And the Soviets have done much scientific research on these toxins, and are even using them for pest control of their forests.

Initially the U.S. had argued that only the Soviets, not their Asian allies, had the technological skill and the military will to produce these toxins. After all, an accident at a facility in Sverdlovsk, under military control, may have been the cause of the still unexplained outbreak of anthrax in 1979 that the U.S. claims indicated treaty-violating work by the Soviets on biological weapons. Now, says the Pentagon's Dashiell, any country—including Laos and Vietnam—with a brewery can produce these toxins.

If this anecdotal evidence isn't convincing, the U.S. offers additional, albeit circumstantial, proof of Soviet involvement. There are eyewitness reports of toxic chemicals being unloaded in Southeast Asia. Defectors tell of Soviet chemical warfare experts supervising, and sometimes participating in, actual toxin attacks in Southeast Asia, and then returning to the attack sites to verify the effectiveness of the weapons. A U.S. official with access to intelligence data says he knows of one occasion when a "trichothecene or mycotoxin weapon was taken into Afghanistan and used." However, this occasion did not involve the gas mask contaminated with T-2 toxin, he says.

There are classified radio intercepts and photographs to document Soviet involvement in chemical and toxin warfare, the U.S. says. There are intelligence reports on Soviet toxin weapons development.

There is the fact that Soviet influence kept the UN team of experts from investigating yellow rain allegations firsthand in Laos, Kampuchea, and Afghanistan. And, of course, there are the two journalistic efforts frequently cited by government officials and their scientific allies as evidence of Soviet duplicity: The 1982 ABC News documentary "The Rain of Terror," and Sterling Seagrave's 1981 book "Yellow Rain."

If that were not enough support for Soviet involvement, there is also their doctrinaire acceptance of chemical weapons as an integral part of their force structure. And as the executive director of the Defense Science Board Paul J. Berenson says, "The Soviets have no moral compunction against using yellow rain."

They may have no moral compunctions, but they do have a strong desire to win wars, and trichothecene toxins appear to have little military utility. There are less exotic and equally effective terror weapons that violate no treaties. The riot gas CS, used by U.S. troops in Vietnam, not only can flush out dug-in insurgents but it can terrorize them in the process. If the raison d'être for toxin use is really the annihilation of the Hmong of Laos and other hill tribes, there are many more effective ways to do it.

The lethal dose of trichothecenes in animals (and maybe humans) is 2 mg per kg to 5 mg per kg, according to the National Academy of Sciences, which did a study for the Army on protection against trichothecene mycotoxins. For nerve gases, the lethal dose falls to 0.01 to 0.1 mg per kg. To deliver a lethal dose of toxins requires the release of about 1 g per square meter, or about 3 tons per square mile of pure toxin. If the mixture is a "crude" containing, say, only 10% toxin, 30 tons per square mile would have to be delivered. If the crude is never more concentrated than the highest level reported in yellow rain—about 100 ppm—then to kill by ingestion, a person would have to eat at least 200 g, and that is a conservative figure.

Says Saul Hormats, former director of the army's chemical weapons program, "3000 tons of light fluffy toxin-containing material would have to be sprayed over a one-square block target to kill most—and make the rest ill—of the people in the typical Hmong village."

Hormats' assessment of yellow rain: "The damned thing is ridiculous."

SCIENCE AT STATE

Ridiculous or not, the U.S.'s many scientific missteps and misstatements cast a glaring and not too flattering light on the way science has been used. "From that very first State Department communiqué that said that these fungi do not occur in Southeast Asia, and from the Secretary of State's speech in Berlin, based on one analysis. I knew for sure that the science advice the policy makers were getting was either poor, or they were ignoring it," says Meselson. With no resident science adviser at State, Meselson adds, "it is very risky for the department to be managing an essentially scientific enterprise."

The extent of that risk is becoming increasingly obvious. First, the department has known about the discrepancy between Mirocha's positive and Sarver's negative findings for more than a year. Instead of resolving the methodology problems, it continues to release Mirocha's findings as proof of Soviet-backed toxin warfare.

A second example highlights the lack of scientific understanding among the policy makers at State. In January 1982, the U.S. submitted a report to the UN on the analysis of blood collected from mine individuals, alleged victims of toxin warfare. In fact, blood was drawn from 13 Khmer Rouge soldiers, four of whom were controls, not exposed to chemicals. Two of nine blood samples from the exposed soldiers were found "tentatively" to contain HT-2. A white blood count also taken on all blood samples showed depressed cell counts in eight of the nine exposed soldiers, and in two of the four control soldiers. The U.S. says a depressed count is an indication of exposure to toxin.

The U.S. reports that "there was no real statistical difference between control and exposed groups when the Student's t-test was applied" to the white cell count analyses. Coupling the insignificance of the blood cell counts to the tentative finding of toxin in only two alleged victims, the U.S. concludes that the results "cannot be taken as conclusive scientific proof of toxin exposure [but] the latest analysis results contribute another piece of evidence . . . that trichothecenes have been used as chemical/biological agents in Southeast Asia."

The tentative finding of HT-2 in the blood so many weeks after an alleged attack also suggested a storage depot for the toxins, the U.S. says. Mirocha called his identification of HT-2 tentative because he did not have enough material to run a full mass spectrum. Without this information, compound identification can never be certain. Yet, in supposing a depot exists, the U.S. dismisses the possibility that Mirocha may not have been looking at HT-2.

More recently another example of scientific ineptitude slipped past the review of the policy makers. Last November, a U.S. representative to the UN General Assembly, Rep. Stephen J. Solarz (D.-N.Y.), sent a statement to that world body. In it he writes: "The combinations of trichothecenes in the yellow rain samples are unique. And, it should be remembered, trichothecenes are known to exist in nature only in temperate climates." This latter statement by Solarz to the UN comes after the government's star analyst Mirocha acknowledges the worldwide distribution of Fusaria, including some in tropical Central America that synthesize trichothecenes.

Has the State Department sought advice from the President's Office of Science & Technology Policy? No, says OSTP spokesman Bruce R. Abell, "not that I'm aware of." Has it asked the Defense Science Board to review the issue? No, says DSB director Berenson," the board has not been asked to review the yellow rain issue, though some members have been briefed on it."

So whom has the U.S. consulted? According to a knowledgeable government official who is closely monitoring the issue, some 150 to 200 fully cleared U.S. academicians have been briefed. "I haven't had one tell

me that the judgment in the National Intelligence Estimate should be changed, that we didn't have sufficient documentation," this official says. C&EN has contacted a few of these scientists. Some say the U.S. has evidence that chemical warfare is being waged by the Soviets or their surrogates in Southeast Asia, although they are vague about the basis for their belief. Some, however, remain unconvinced by the evidence shown them.

More instructive, perhaps, is the low regard in which science is held at the State Department. When James F. Dobbins Jr., formerly director of Theatre Military Policy in the Haig State Department, and now a deputy assistant secretary of State for European affairs, was asked who advised Haig to go public with the unconfirmed analysis of the single leaf and stem, he said: "The judgment was made by our intelligence community, which includes many scientists—including Sharon Watson—that they had an adequate basis for the statement. Secretary Haig wasn't publishing a dissertation, and the litmus test, therefore, wasn't whether he cited enough authority to pass his dissertation and receive his doctorate." Would it have been wise to consult OSTP or DSB before Haig's statement? he was asked. "No. And it would have been highly irresponsible to do so, because people were getting killed every week."

Dobbins argues that the standards of scientific proof "are very different from the standards by which a policy maker decides whether or not something is true." But when the policy maker is using science, shouldn't he fall back on the standards of scientific proof? Dobbins was asked. "No," he says.

Michael Ledeen, a former special adviser to Haig who is now at Georgetown University's Center for Strategic & International Studies, evinces a disdain for science. "Frankly I am underwhelmed by the scientific community across the board. There is not a model that they have put out in the past 25 years that has stood up for a generation," he says.

Though the finding of toxins on the leaf tipped the scales, it apparently was the wealth of intelligence information that the U.S. had that prompted Haig's speech. Mirocha's analysis was merely the scientific sheen. Says Dobbins: "What this piece of information did was simply identify one of the many substances being used. This didn't tell us they were using chemical weapons. We knew that." That was known from "a whole body of intelligence evidence—contemporary, historical, direct, indirect, eyewitness, scientific—an enormous quantity of evidence," Ledeen says.

Intelligence analysis has indeed held sway over the issue, and those practicing it have been well rewarded. The Army's Sharon Watson, State's Gary Crocker, and CIA officer Kit Green have all received intelligence awards for their work on yellow rain. Unfortunately, it is these individuals, with a special interest in maintaining the integrity of the government's case, who have briefed—and may still be briefing—foreign conuntries, the UN team of experts, members of Congress, and influential U.S. scientists.

Despite the importance the Administration places on the intelligence data, it is the volume of refugee reports that most persuades those who have been briefed, and others who are convinced that the Soviets are conducting some type of biochemical warfare. Says the Army's Denny Lane, one of the early collectors of yellow rain stories, "There are some pretty stark tales being told out there."

GRIM TALES, PROBLEMATIC INTERPRETATIONS

It is difficult to dismiss hundreds of Hmong and Khmer accounts of thousands of gruesome deaths as a result of contact with the toxins. Tales of people dying as blood pours from every body orifice, of massive internal hemorrhages, of continuous bloody vomiting, of skin becoming soft, turning black, and peeling away upon touch, and of convulsions before the final gasp are just too grisly to be ignored. Nor should they be. The reports fueled the rumors that prompted the U.S. investigation of chemical warfare. They must be accounted for in any refutation of the charge of Soviet complicity in toxin chemical warfare.

But they must be accounted for by careful analysis. Are the stories plausible? Are there several reports describing the same alleged incident, and do they confirm each other in essential details? Is chemical warfare the only logical explanation for the illnesses and deaths reported?

After reading the U.S.-compiled accounts, all social scientists and Southeast Asian experts contacted by C&EN say the answer to these questions is no. Further, they stress, the report have to be read with an understanding of the cultural and social structure of those telling the stories and, more important, why they are telling them.

To begin, the majority of the 150 to 200 reports of yellow rain compiled by the State Department in two compendia come from the Hmong of Laos. (Statements such as Rep. Solarz's in the U.S. November 1983 submission to the U.N. of refugee reports "several thousand in number" are not supported by U.S.-released evidence.) All yellow rain reports come not from the more isolated Ban Nam Yao refugee camp in Thailand but from the highly politicized Ban Vinai refugee camp to the southeast.

The leadership of Ban Vinai is composed of former members of the old CIA-backed secret army in Laos. And the more military-oriented stories come from these former U.S. allies, not from Hmong male farmers, and not from Hmong women, say author of the "Yellow Rainmakers" Grant Evans, a sociologist at La Trobe University, Melbourne, Australia, and Roger Rumpf and Jacqui Chagnon, researchers with the Southeast Asia Resource Center, New York.

In this book, Evans argues that the interviews have been unevenly, not systematically, collected by personnel untrained in the art of ferreting out information without leading the refugees. Columbia University Anthropologist Christina Szanton, a Thai specialist, agrees. "The investigators are often medical teams who transgress basic rules of reliable sociological analysis. The questionnaires used by the 1979 Army Surgeon General's medical team and by the 1982 Canadian epidemiologic investigation led by Col. Gary Humphreys contain leading questions."

Both social scientists claim the reports since 1979 have been collected in the full belief that chemical warfare is happening. Says Szanton, "The only task is then to investigate what kind of chemical agent is in use." And they argue that because the camp leadership sets up all interviews there is a preselection of both respondents—only refugees with chemical warfare stories—and of acceptable translators.

In fact, Evans describes one Hmong refugee, Ger Pao Pha, as a "star witness" whom he had interviewed as had 13 other journalists and organizations, including the UN investigating team. Ger's story varies substantially over time, and from interview to interview.

For example, Ger has changed the mode of delivery from a rocket that released a lethal red smoke/gas that killed within 15 minutes to a low-flying plane that "sprayed smoke." He has told a U.S. investigating team that about 230 people in his village died from the summer 1978 attack. Two years later he told one journalist that 13 people had died, and another that 40 had succumbed. Sometimes he has come to an interview with a son, his only surviving relative; sometimes that relative has been his daughter.

In some of his accounts, Ger has saved himself and his son by merely running away to hide in a cave; sometimes his story has him putting "a rag soaked with opium" over their faces and running to a cave. At times, from the cave, he has seen Pathet Lao coming to his village to remove the few who are still alive; at other times, Vietnamese have entered the cave chewing the corners of their shirt collars to protect themselves from the ill effects of the chemicals.

Ger's stories cannot be cross-checked against any others released by the U.S. And his accounts vary so much over time, Evans says, that Ger's yellow rain tales can't be accepted on their own merit. Further, Evans says that when he let Ger relate his experiences in his own words, he discovered that Ger's village had indeed suffered a heavy loss of lives in a number of serious conventional battles in which no smoke or gas had been used.

The U.N. investigating team under Maj. Gen. Esmat A. Ezz, a University of Chicago-educated toxicologist who is director of scientific research for the Egyptian armed forces, had similar difficulties in cross-checking information. Refugee stories told the UN team differed markedly from those told Ban Vinai physicians. In one case the team was told that an attack made one victim ill for 20 days; the physicians were told that the same attack had made the victim ill for 20 minutes. In another instance, an alleged victim told the team that a yellow rain attack had killed a woman; the physicians had been told by this victim that 80 people had died.

DISCREPANCIES IN THE STORIES

Rumpf and Chagnon, a husband-and-wife Lao-speaking team, report discrepancies in yellow rain stories related by a Hmong couple interviewed separately. The Hmong wife said she and her husband had left Laos because he was a CIA Hmong soldier who feared arrest and imprisonment by the leftist Lao government. According to the wife, they had lived in Nam Po village from 1976 to 1982. And she had seen yellow rain on leaves after which some people got ill, but nobody died. She did not associate yellow rain with aircraft or military activity.

Her husband, on the other hand, said he took his family to Phu Bia in 1978 and that they lived there for three years. He saw "a lot of yellow rain" in Phu Bia, and if "people were hit with the chemicals they would die," he said. He said low-flying Soviet planes delivered the chemicals. He also had a rash on his hands which he attributed to the chemicals, but which a camp physician was treating as ringworm.

Conclude Rumpf and Chagnon: The wife's story "resembles accounts we heard inside Laos while her husband's corresponds to Ban Vinai refugee stories."

The lack of cross-checking and cross-referencing is a major problem with the refugee accounts, Szanton says. "There is a lack of internal checks on the information—in a sense, control samples on a social basis," she says. This, in part, could be done by checking refugee accounts with information collected by other means. "There is no attempt to cross-check refugee stories to reconstruct events based on more than one statement, and no attempt to check the internal consistency of answers provided by each respondent over subsequent interviews," she explains. Rumpf and Chagnon cite another glaring defect in the use of the refugee accounts: the "failure to cross-check refugee 'gassing' stories with on-site observations inside Laos."

In fact, Rumpf and Chagnon say that in stories they heard inside Laos, in areas alleged by the U.S. to have been under chemical attack, a yellow substance was associated with sickness and sometimes death, especially among children and the elderly. But one major difference between Lao-collected accounts and those they heard inside Thai refugee camps is that "inside Laos we do not hear the source of the substance coming from an airplane. What we heard is that they don't know where it is coming from," says Chagnon. "And there is no fighting, no warfare going on in the area when they see it. So it is not associated with military maneuvers or resistance groups," adds Rumpf.

They also found no evidence of a campaign to eliminate the Hmong, which is an allegation made by Mirocha in an editorial published in the *Journal of Toxicology-Toxin Reviews* [1,199 (1982)], and which is alluded to most recently by the U.S. in its Nov. 4, 1983, statement to the U.N.

"From our discussion with Hmong in Laos, and from reports of U.N. and other international agencies, there is no evidence that there has been a campaign of genocide against the Hmong, whether former CIA Hmong or Hmong is general. We met former CIA Hmong in many parts of Laos who are farmers and merchants today, who are living in villages with other Hmong, and who are integrated into the government structure, but not at high levels," Rumpf says. Chagnon points out that "there are Hmong who are military and civilian (police) leaders of Xieng Khousang (Plain of Jars) Province. It is here where the U.S. claims these attacks are going on."

Adds anthropologist Robert Cooper, who has worked among the Hmong in Thailand and in Laos, "I think if there was any question of a holocaust, then there wouldn't be a single UN person left in Laos. Obviously the U.N. could not support a country which was exterminating 10% of its people." More important, in nearly three years in Laos, Cooper has never heard villagers describe a yellow rain attack. During this period, 1980-83, he worked in areas identified by the State Department as having been under attack.

Cooper is struck by the similarity of the U.S. compendia stories, but he doesn't know what to make of this. "Logically one would say, 'Well if they are all telling the same story there must be something in it.' Or, one could say, 'If they're all telling the same story, surely that's a bit suspicious and there is nothing in it.'"

His own personal feeling, purely conjecture and based, he says, on "irrational logic," not on the refugee reports or on his work with the Hmong, "is that there was probably something at some time—and it could have been military—but it has been greatly exaggerated." There was warfare, he says. "It seems logical that if there was some gas available it would have been used. But I certainly don't know the nature of what has been used, or how much has been used," he explains.

Chagnon and Rumpf speculate that during the last-gasp resistance of CIA Hmong on Phu Bia Mountain between 1975 and 1979, the Pathet Lao and their Vietnamese partons "may have used some kind of CS tear gas." They would have used CS to flush out the resistance fighters from the forest and cave shelters. However, they have no evidence that tear gas was used, merely that there was fierce fighting and the Pathet Lao did crush the Hmong resistance in the type of battle in which CS would be most useful.

Sociologist Evans believes that yellow rain is a metaphor for disruption, that it offers the Hmong a reason for illness, death, crop failures. And when combined with their horrid wartime experiences it becomes fodder for panic rumors perpetuated by the Hmong leadership.

Certainly the Hmong's troubles have made them a more unified people, Cooper says. "But I'm not very convinced by Evans' idea of a great panic spreading through the people. The Hmong are just too intelligent for that." Other anthropologists, especially the French, agree with Cooper. Says Boston College anthropologist Jeanne Guillemin: "People I know who worked in the area are very resentful about Evans' portrayal of the Hmong as susceptible to superstition and irrationality. That's not the nature of those people; they are very pragmatic."

Still, the Hmong have been subjected to U.S. aerial herbicide sprayings, and they could have made these part of their mythology, linking aircraft overflights and a yellow substance to illness and death many years later. Around 1973-74, the CIA did spray Hmong poppy fields with agent orange and related herbicides. Even then, W. E. Garret wrote in a 1974 issue of *National Geographic* [145,78 (1974)], the Hmong reported deaths from these aerial spraying. Chagnon and Rumpf say the Hmong and Lao they interviewed in 1982 describe these decade-old sprayings as "yellow poisons," or "yellow rain."

Equally puzzling is that Montagnards, the highland people of Vietnam who fought with the U.S., have described ills and deaths very similar to yellow rain symptoms and deaths now being reported by the Hmong. The Montagnards, however, were not exposed to trichothecene toxins, but to defoliants used by the U.S. during the Vietnam War. Equally intriguing is that the Montagnards and the Hmong are genetically and culturally dissimilar.

There is another conundrum. The major battles to rout the Hmong resistance from Phu Bia occurred during 1977 and 1978. In addition, 1978 and 1979 were two bad crop years. The crush of Hmong fleeing Laos for Thailand occurred in 1979-80: The reasons appear to be economic as well as political. Yet most of the yellow rain stories from the Hmong came after 1979, and they continue to be told to this day, the U.S. says. If it is not a natural occurrence, and if there are no major battles, how can this be?

The answer, says Guillemin, may never be known: "It might be an episode that's really over." Pathologist Richard C. Harruff, who treated refugees at Ban Vinai and who believes that he isolated a few patients whose lung problems best correlated with chemical-toxin exposure, agrees. He is "rather skeptical that a study mounted today could produce the kind of proof that would convince everybody; there would have been a better chance to do that in 1980" when many more refugees were crossing the Mekong River into Thailand.

Harruff is talking about an epidemiological study. But it may also be too late for interviews. A patented yellow rain story appears established among the Hmong in Thai camps, says Marshall G. Hurlich, a University of Washington anthropologist.

In addition to the problems with the packet of U.S. interviews cited earlier, Guillemin adds a few more. The U.S. "didn't take into account the cultural differences between the person asking the questions and the person responding. It proceeded with these interviews on a case-by-case basis, exactly as a physician would, and completely ignored the facts that there are strong clan ties, separate men's and women's groups, and a totally different perception of the human body and the causes of illness," Guillemin explains.

SPIRITS, SOULS, SICKNESS

"There is a Grand Canyon of cultural difference between the way in which the Hmong think of and understand the causality of illness, and the way we do," Guillemin says. And, she adds: "I think those U.S. interviews involving patients must have been a travesty."

The Hmong practice an animist religion in which conscious life is ascribed to inanimate objects. Disease and well-being are controlled by spirits. Death comes when one of several souls leaves the body and doesn't return. Within this belief system, Hmong, unlike Western physicians, can explain what has come to be called sudden death syndrome (SDS), says Hurlich.

Over the past several years, there has been a rash of sudden, seemingly unexplained nighttime deaths among young, mainly male, Southeast Asian immigrants, most of whom have been Hmong. When epideminologists from the Centers for Disease Control, who were investigating these deaths, asked Homong if deaths like this occurred in Laos, they were told no. Explains Hurlich, "The category of unexplained deaths doesn't exist for the Hmong in Laos. There, all deaths can be explained by a loss of soul, or a failure to take care of ancestral spirits. The CDC's question was based on a misunderstanding."

Perhaps. CDC, however, seems to have made up for this lapse by doing a first-cut epidemiological study of the problem. Despite a suggestion by Columbia University pathologist Bernard M. Wagner that sudden death among Southeast Asians may be related to exposure to yellow rain, CDC medical epidemiologist Roy C. Baron says there "is no association between persons who died and any known or possible exposure to what is known as yellow rain. The vast majority of victims left before any record or suspicion of use of these agents."

CDC has studied about 80 sudden deaths, 79 in males, in seemingly healthy individuals from Laos, Kampuchea, and Vietnam, and has reported on the design and findings of the epidemiologic study in the Journal of the American Medical Association [250, 2947 (1983)]. Pathologists in Chicago are studying serial sections of hearts, and finding indications that SDS "may be a congenital abnormality in the electrical system of the heart," Baron says. As Hurlich points out, however, the latter study has yet to compare hearts from SDS victims to those from

Hmong who have died from other causes. In other words, there are no controls.

Hurlich's graduate student Ronald G. Munger has found sudden, unexplained deaths among Hmong in the Thai camps. More important, he has unearthed clusters of these deaths in familial lines, suggesting, Hurlich says, "a possible biological or genetic basis." Such a genetic predisposition may be prevalent in most Asian populations. Munger writes that "Hmong sudden deaths show a striking similarity to a sudden death syndrome called bangungut in Filipino males [and] sudden nighttime deaths have been noted among Japanese living in Japan, Japanese and Chinese living in Hawaii, Montagnard tribesmen who moved from the highlands to the lowlands of Vietnam, and among ethnic Lao, Mien [Yao], and Cambodians living in the U.S."

"The clues are pointing to a physiologic basis for SDS," Hurlich says. But the causes may be many: cardiac problems plus sleep abnormalities, with the triggering factors being stress or trauma. Deaths reportedly occur during sleep and after individuals make a grunting or moaning sound. Most have been among recent arrivals, or those coping poorly with a vastly different life style.

That some biologically susceptible refugees are now falling prey to cultural shock can't be overlooked. In its interviewing procedure, however, the U.S. did miss a crucial aspect of the refugees' situation. The U.S. "didn't appreciate the vulnerability of the people being interviewed, that they were refugees who did not want to spend their life in a camp in Thailand. Of course, they are going to be accommodating. Who wouldn't?" Guillemin asks.

And that brings one to motives. The Hmong with a yellow rain story find their entry into Thailand eased. And once they have emigrated to the U.S., chemical warfare, they seem to feel, preserves their status as political refugees who have been persecuted as opposed to immigrants who have left their country because of economic pressures.

"The whole notion that there really was and, maybe, still are attacks of chemical warfare is very important to the Hmong leadership in this country," Guillemin says. This leadership argues that they have been politically persecuted, that they were allies of the U.S., and because of that were shot at, gassed, and driven from Laos. "The chemical warfare argument has become part of the proof that they really are legitimate political refugees. But I think they don't need chemical warfare to show that. In fact, they have paid a very high price for being allies of the U.S.," Guillemin says.

Altruistically, the U.S. feels it is repaying its former allies by keeping the issue of toxin warfare before the public's eye. And officials leak hints that the campaign has paid off. Says State's Dobbins: "It is my impression, based on old information, that as a result of the publicity campaign, the Soviets and their allies have essentially abandoned the use of this substance."

Other government officials, who ask not to be named, say the U.S. received no reports of toxin attacks from Afghanistan and only a few reports from Southeast Asia in 1983; no collected samples tested positive for toxins. State's Leonard says the U.S. will release a major update shortly detailing its findings.

NO SUPPORT FROM OTHER NATIONS

The Canadians, who have submitted to the UN several reports on alleged chemical warfare in Southeast Asia which the U.S. claims supports its case, are also about to release yet another report. Gordon Neish, a mycologist at Agriculture Canada, says, "To the best of my knowledge, material collected by Canadians and analyzed for trichothecenes were found not to contain toxins at significant or undisputable levels."

In other words, the finding of toxins was not incontrovertible. Officially the Canadian government will not comment until after its report is released. However, Schiefer, the author of the first Canadian report whose conclusions often are quoted by the U.S., says Canada has one toxin-positive sample. That one comes from the odd event in Thailand in February 1982, which he doesn't consider a true yellow rain attack, but a Vietnamese attempt to confuse the issue.

Canada has said that chemical/biological warfare is being conducted in Southeast Asia. This conclusion is based on refugee interviews, an epidemiology study, and Schiefer's two-week visit to Thailand—not on physical evidence.

Schiefer's report reaches six conclusions, four of which are cited by the U.S., most recently in its November 1983 statement to the U.N. Because of this, it is worth close scrutiny.

Schiefer spent 16 days in Thailand in February 1982. During that period he interviewed victims and refugees; received reports from scientists, physicians, and Thai authorities; investigated the general disease pattern in Thailand with special emphasis on ills related to mycotoxins; and gave two lectures at universities.

From this whirlwind effort he concludes, and the U.S. cites:

"The events that are reported to take place at the time of alleged chemical warfare attacks cannot be explained on the basis of naturally occurring diseases.

"Judging on the basis of eyewitness reports, it appears that three different types of agents have been employed as warfare agents, one of them being 'Yellow Rain.'

"Most of the features described with 'Yellow Rain' attacks are consistent with trichothecene mycotoxicosis."

The fourth point, the U.S. paraphrases: "Although certain types of mycotoxins occur in Thailand and probably also in surrounding countries, there is no history of evidence that they result in diseases with the symptomatology of trichothecene poisoning." Not quoted by the U.S. is Schiefer's conclusion that the symptoms described by victims correlate better with a disease caused by macrocyclic trichothecenes, not the simple trichothecenes identified by Mirocha.

Schiefer admits that he did only "a limited amount of work," and that his conclusions have "to be taken with some care. I think that is a fair assessment of my work, and I don't object to it." He did collect yellow rain samples, which contained Fusaria. Two species—semitectum and moniliforme—are capable of producing trichothecenes. He, however, has not been able to coax toxin production in the laboratory, but he admits that that doesn't rule out the possibility that they do produce mycotoxin in Southeast Asia.

Apart from the Canadian reports, and a limp statement by French Foreign Minister Claude Cheysson last year, no other nation has come forward to support the U.S. charge of Soviet-backed toxin warfare. Speaking to the press in Bangkok, Cheysson said, "France has discovered 'multiple and convergent' signs of the use of toxic chemicals in Afghanistan and Southeast Asia by the U.S.S.R. and its allies." Then he added that France did not have "irrefutable evidence." Apparently that translates to physical evidence because France has yet to release analytical data.

In fact, no other nation has yet gone public with analytical data supporting the U.S. finding of trichothecenes in samples collected from a yellow rain attack site in Southeast Asia.

Earlier, Australian chemist Hugh D. Crone, with the Department of Defense Materials Research Laboratories, analyzing yellow rain samples collected from a Thai attack found toxin levels so low, and the presence of pollen so prevalent, that he said the samples were "obviously fakes." Now he is rethinking his position in light of the bee feces theory, and has even tested a yellow rain sample for uric acid, the bee's mode of eliminating nitrogen wastes. Uric acid was present in that sample, possibly indicating bee feces. The Army's Sarver says this test is not specific enough—birds also excrete uric acid wastes—and he is "developing a more specific test for bee products."

Officially, Australia says there is evidence for Laotian and Vietnamese chemical warfare, but not for the identity of the active agent or agents being used.

The British hint that they have no evidence of toxin warfare. Chemist Tomas D. Inch with the Chemical Defense Establishment at Porton Downs says his government is reluctant to say anything until it has the "analytical evidence in the way we would like it" on samples with "a good history to them." He explains that the analytical technique, GC-MS, is so sensitive that "without careful control of all variables you can either get false positives or false negatives quite easily." The eyewitness accounts have impressed Inch, but his chemical training keeps him from being certain about the identity of any particular chemical involved.

The UN team investigating allegations of chemical warfare in Southeast Asia was equally uncertain about whether the active agent was indeed trichothecene toxin. After two years of careful analysis of various reports, plus briefings by the U.S., but no on-site investigation in Laos or Kampuchea, the team, headed by Egyptian Maj. Gen. Ezz, concluded that it could not prove U.S. allegations, nor could it "disregard the circumstantial evidence [of] possible use of some sort of toxic chemical substance in some instances."

Ezz and his team of scientists from Kenya, the Philippines, and Peru also were troubled because they could never be certain that alleged yellow rain samples and alleged victims actually came from an area under chemical attack. The team, says Ezz, also was plagued by the lack of "freedom of choice of laboratories with experience in the detection of trichothecenes." Of the three laboratories that analyzed samples for toxins, two, using thin-layer chromatography, failed to find trichothecenes in any samples, even the spiked controls. The third laboratory, using GC-MS, found the four yellow rain trichothecenes in all samples, including the blank.

These results could indicate that testing for toxins is a prickly business, as one government official asserts. On the other hand, several nations tested samples from that odd 1982 Thai attack, and each purportedly found toxins in the same parts-per-billion range. If true, this shows that confirmatory testing can be done.

Ezz admits that his team collected only circumstantial evidence. What is needed, he says, "Is physical evidence that will go unchallenged."

INDEPENDENT EFFORTS

To go unchallenged, means, in part, that the investigation be carried out by an independent group of experts. The Lao government has assured Samuel S. Epstein, a toxicologist at the University of Illinois Medical Center, and Egbert W. Pfeiffer, a zoologist at the University of Montana, as well as a distinguished foreign diplomat, among others, that it will allow a team inside Laos to investigate chemical warfare allegations. Team members, however, cannot be U.S. government- or UN-affiliated scientists. Such an investigation is very welcome, says anthropologist Cooper, because "so much is being said based on so little knowledge."

Chagnon and Rumpf agree. Based on the assurances that Epstein and Pfeiffer received from the Lao government, Chagnon and Rumpf are now planning an effort that, at the very least, will begin to fill in the gaps about what is natural in terms of fungi and their toxins, and diseases for that part of the world. Their scientific team, cosmopolitan in composition, is to be headed by Cryrus Levinthal, chairman of the department of biology at Columbia University. Among its members will be a physician experienced in tropical diseases, an anthropologist familiar with good interviewing techniques, a bee specialist, a chemical-biological warfare expert, and a microbiologist/mycologist.

Levinthal says there are really two issues that his team will try to make a dint in resolving: "whether or not mycotoxins have been used in warfare, and whether or not the population is being contaminated with mycotoxins through natural sources." He is not saying the government's case can be disproven, only that it is "irresponsible to claim with such assurance . . . that chemical agents are being used before [the government] has solid evidence that this is so."

To accomplish this, the team will travel to Laos and Thailand for three weeks in early 1984. It will interview Hmong in Laos and in the Thai refugee camps. In Laos, it will visit alleged chemical warfare sites as well as Hmong and Lao villages where no reports of battles have emerged. From these sites, it will collect physical and biological specimens. The team also will glean information from Laotian health officials, and from officials from the UN and other international organizations in Laos and Thailand. Only two things are missing at this point: final permission from Lao government and funds to underwrite the project.

Another person trying to collect funds for an independent epidemiologic study in Southeast Asia is Stuart J. D. Schwartzstein, director of the yellow rain project at the Institute for Foreign Policy Analysis, Tufts University. Schwartzstein has "no doubt that chemical weapons are being used. I think the refugee reports themselves are very strong." But he would like to organize an epidemiological team that would go "to one of the camps and take a closer look at the people there." He has a science advisory board consisting of some eminent scientists, but he has no funds to conduct his study.

Schwartzstein admits that "there are a number of questions, and a number of unresolved problems—both with the data that have been accumulated as well as the mechanisms of investigation." Still, he doesn't "think that invalidates the basic conclusion that chemical weapons, including toxin weapons, have been used."

The Army's Lane, an early collector of yellow rain stories, is not so certain about the solidity of the government's case. He is puzzled by the many "unanswered questions in this exercise." And he thinks these have to be answered by physical and biological, not social, scientists. "We can go out to interview until the cows come home," he says, "but that isn't going to be terribly conclusive, is it?"

ONE GIGANTIC LEAP

It apparently was conclusive enough for the U.S. to accuse the Soviets of treaty violation. Says a government official, "The intelligence community made its mind up on information not publicly available. The gestalt of what I'm saying is that you would make a mistake [if you think] the subject can be addressed in the public domain." But if not in the public domain, where?

Evans says that if the same standard of evidence demanded of Vietnam veterans seeking compensation for alleged dioxin-induced ills had been demanded of U.S. officials "putting forth allegations about yellow rain, then the yellow rain allegations would never have [gotten] off the ground." The evidence, Cooper adds, "all seems to be hearsay, it all seems to be nonprovable, and it all seems to be evidence that can be read either way."

So why did the U.S. seemingly leap from minimal facts to adamant accusation? Sociologist Evans says it's a cold-war story, used by the President, his Cabinet, and some members of Congress as an example of how the Soviets can't be trusted to hold to treaty agreements. But Meselson points out that "arms control is very important, and verification is essential for arms control. The making of allegations and verification are two sides of the same process." And, he argues, "You can't have high standards in verification and low standards in making accusations."

Anthropologist Guillemin thinks the Defense Department, especially the Army, used the issue to garner votes for binary chemical arms. Yellow rain did move votes, she adds, "it just didn't move them enough" to overturn the 14-year hiatus of chemical weapons production.

Others have called yellow rain, the 1980s' "Gulf of Tonkin" incident. This is an allusion to an event that was reported to have occurred, really didn't, but served as the prod that escalated U.S. involvement in the Vietnam War.

These skeptics are justified in seeking ulterior motives. The U.S. simply has not proved that toxin warfare has taken or is taking place in Southeast Asia or in Afghanistan. A soon-to-be-released U.S. report, rather than dispelling uncertainties, is likely to cast the government's case into greater shadows of doubt.

And potshots aimed at the bee theory won't make the government's pollen problems go away. The theory, ultimately, may be proved wrong in part or in whole, and it certainly will never explain why trichothecene toxins are found in blood and urine. But it further tangles the web in which the U.S. has ensnarled itself, and from which it cannot easily extricate itself. The presence of pollen has to be explained.

Every sample that has been turned into the government as yellow rain and has been examined for pollen has been found to contain pollen. If it does nothing else, the presence of pollen undermines the government's strongest evidence—the refugee reports. If refugees are turning in material of natural origin, might they also be mistaken in linking their illnesses and deaths to aircraft-delivered yellow rain?

The government may have unearthed, quite by accident, a very serious health problem in Southeast Asia. Calling it toxin warfare, or bee faces, or anything else obscures a more pressing humanitarian problem. Says anthropologist Hurlich, the Hmong medical problems, of whatever origin, are being lost sight of, and "the Hmong again end up being used for the political ends of other people. That repeats their historic relationship with the U.S."

The U.S. simply has to concede that it has badly botched the science needed to prove its case for toxin warfare, and that it has to start over. If the U.S. doesn't 'fee up, it is no better off than Lyndon Johnson's hitchhiker. In the spring of 1965, after being told that the South Vietnamese government was on the verge of collapse, Johnson reportedly said: "I feel like a hitchhiker caught in a hailstorm on a Texas highway, I can't run, I can't hide, and I can't make it stop."

[From News Focus]

TRICHOTHECENES: MYCOTOXINS PRODUCED BY FUSARIUM FUNGI

Trichothecenes, the toxins claimed to be the putative agents of yellow rain warfare, are the biologically active metabolites of several species of fungi. One species, Fusarium, produces the specific toxins—T-2 toxin, diacetoxyscirpenol (DAS), nivalenol, and deoxynivalenol (DON or vomitoxin)—identified in yellow rain samples.

WIDE DISTRIBUTION

Fusaria and their toxin products are widely distributed throughout the world in habitats as diverse as "deserts, tidal salt flats, alpine mountain regions and the tropics," a National Academy of Sciences report on defenses against trichothecenes recently affirmed. However, for most regions of the world, there is little precise knowledge of the Fusaria present and capable of producing toxins.

In 1939 a French mycologist Francis Bugnicourt documented the presence throughout Southeast Asia of many species of Fusarium, including some which, under some conditions, produced the yellow rain toxins. Whether these Indochina Fusaria actually synthesize trichothecenes has not been well studied. Toxin production is dependent on specific environmental and nutrient conditions, and whether those in Indochina support toxin biosynthesis is not known.

The chemistry and the toxicology of the trichothecenes have been somewhat better studied than their distribution. There are more than 40 different trichothecene compounds; all have a basic tetracyclic sesquiterpene structure. The skeletal structure bears a six-membered oxygen-containing ring, an olefinic bond at the 9-10 position, and an epoxide group at the 12-13 position. Toxicity is conferred by the epoxide group and its destruction neutralizes the molecule.

In general, trichothecenes are colorless, crystalline, and optically active compounds. In the solid state, they are very stable. Microorganisms will degrade the toxins, but the time course of such detoxification depends on physical conditions such as pH and moisture.

Of the four yellow rain toxins, DON is the least toxic, and the one most often detected in agricultural commodities. In animals, T-2 toxin is a strong skin irritant, nivalenol and

DAS are potent hemorrhagic agents, and DON causes vomiting.

All four yellow toxins have been found in grains, usually at concentrations ranging up to 10 ppm. But levels as high as 40 ppm have been recorded for DON in barley and corn in Japan and the U.S.

The average concentration of a deliberate release of trichothecenes, NAS says, "could be more than two orders of magnitude greater than typcial levels produced by natural sources." The trichothecene levels detected by the U.S. government in the majority of Southest Asian environmental samples are not even an order of magnitude greater than typical natural infestation levels.

RECOGNIZED HEALTH HAZARD

Because Fusaria infest cereal grains, trichothecenes have long been recognized as a human health hazard, especially in Japan and the Soviet Union. Anecdotal reports of foodborne illness account for much of what is known about the effects of trichothecenes in humans.

But frequently in these accounts, the active toxins are not known. Except for DAS, which has been tested and rejected as an anticancer agent, there is little precise knowledge of the effects of specific trichothecenes in humans.

Tested as an antitumor drug, DAS depressed bone marrow activity (blood and platelet production), and produced nausea and vomiting in a majority of patients. Less frequent signs of toxicity were hypotension, skin irritation, diarrhea, central nervous system disturbances, fever and chills, and death in a few cases. DAS did not stem tumor growth. Many of the symptoms reported in DAS-treated patients are similar to those reported by persons allegedly exposed to yellow rain attacks.

Soviet scientists have described a four-stage disease called alimentary toxic aleukia in which trichothecenes, especially T-2 toxin, have been implicated. In the first stage, which occurs within hours of eating moldy grain and which may last for several days, the victim feels a burning sensation in the mouth, esophagus, and stomach. Soon the victim may experience vomiting, diarrhea, weakness, fever, and sleep disturbances.

If recovery does not occur, the patient enters the second stage during which a marked decrease in white blood cells, granulocytes, and lymphocytes occurs. In the third phase, a petechial rash develops on the skin and spreads over the body, and necrotic lesions in the mouth may cause death by strangulation in the most severe cases. In the fourth or recovery stage, the patient is subject to secondary infections. Convalescence is long, lasting up to several months.

Because livestock often are exposed to infested feed, a lot of animal toxicological studies have been carried out. But in these, the routes of exposure have been parenteral or oral. There are no published studies in which animals have been subjected to dermal or aerosol exposures. For the existing studies, data indicate that of the simple trichothecenes, DAS, T-2 toxin, and nivalenol are the most toxic. But, in general, another group of trichothecenes called macrocyclics are more toxic than their simple brethren.

SYSTEMIC EFFECTS

Once in the systemic circulation, trichothecenes affect a variety of organs and tissues. The most susceptible of these are the mucous membranes of the digestive tract, the skin, and the blood-forming tissues. In some animals, the immunological system is affected; in others hemorrhages have been produced in the digestive system, liver, kidney, and heart.

Metabolic studies in animals are inconclusive: Pathways and routes of elimination of the trichothecenes have not been worked out. All published animal studies, however, indicate that the trichothecenes are cleared rapidly from the body. This differs significantly from the government's reporting of T-2 toxin and its metabolite, HT-2, in blood and urine samples tested months after an alleged exposure to the mycotoxins.

MIROCHA: QUOTES FROM THE GOVERNMENT'S ANALYST

"Chemical and/or biological warfare has been waged in Laos, Kampuchea, and Afghanistan resulting in the death of 75-100,000 human beings," *J. Toxicol.-Toxin Reviews*, 1, 199 (1982).

"The results of both hearings on yellow rain, one by the Senate and the other by the House Foreign Relations Committee leave no doubt in my mind that the Hmong people of Southeast Asia were the victims of chemical attacks." *J. Toxicol.-Toxin Reviews*, 1, 199 (1982).

"Among the poisons used were the trichothecenes. . . . We have unequivocal proof of their identity and quantiation." *J. Toxicol.-Toxin Reviews*, 1, 199 (1982).

"The finding of T-2 toxin, diacetoxyscirpenol, deoxynivalenol, zearalenone, and Fusarium pigment in leaves, water, yellow powder, and fragments originating at sites of yellow rain attacks in Southeast Asia and their absence in background samples (leaves, corn, rice, water, soil) from areas not exposed to yellow rain strongly implicates their use as warfare agents. Moreover, the finding of T-2 toxin and HT-2 toxin (a metabolite of T-2 toxin in animals) in the blood, urine, and tissue of some victims of these attacks provides unequivocal proof of their use as weapons." *J. Assoc. Off. Anal. Chem.*, 66, 1485 (1983).

"I think I have a responsibilty to say these things, particularly because of the rhetoric and lack of constraints that people like Matt Meselson [Harvard University biochemistry professor and proponent of a natural origin for yellow rain] and others have displayed. I do not see why I should not come to a logical conclusion based on my experience and data. I don't see anything immoral or unethical in what I have done. I think from the standpoint of morality, I have an obligation to report and interpret what I see." 11/7/83 interview with C&EN.

"I would consider myself less of a person if I did not have the courage to go out and interpret that which I find."

ALLEGED SOVIET USE OF TOXINS VIOLATES TWO TREATIES

According to U.S. interpretation, the purported use of toxins by the Soviets in Southeast Asia and Afghanistan violates two arms control agreements. The first is the 1925 Geneva Protocol, which outlaws the use, but not the possession, of chemical and bacteriological weapons. The second is the 1972 Biological Weapons Convention, which bans even the possession of biological and toxin weapons.

The 1925 protocol, which the U.S. ratified in 1975, is one of the oldest treaties extant. The Soviet Union and Vietnam also are among the more than 100 nations who are parties to the agreement. All signatories are obliged never to use asphyxiating, poisonous, or other gases, and bacteriological agents as weapons of war. However, Laos, Kampuchea, and Afghanistan are not parties to the treaty. So technically, the U.S.S.R. does not violate the agreement if it uses these weapons in Afghanistan, since a violation occurs only if both parties in a conflict are signatories to the treaty.

However, over the years, a standard of conduct of war without lethal chemical arms has evolved among most nations, whether bound by the Geneva Protocol or not. This de facto ban on the use of such weapons now is generally accepted as part of customary international law, binding in spirit and practice, if not by treaty.

Afghanistan, Kampuchea, Laos, the Soviet Union, the U.S., and Vietnam are all bound to the provisions of the 1972 Biological Weapons Convention. Beyond very small research quantities, this agreement outlaws the production of biological, bacteriological, and toxin agents for warfare. Such agents and their associated weaponry and delivery systems also cannot be developed, produced, stored, transferred, acquired, or retained.●

J. EDGAR HOOVER

● Mr. BAUCUS. Mr. President, Mr. Hal Vogelsang, who is a good friend of mine, is a retired FBI agent who resides in Butte, Mont. I recently received a letter from Mr. Vogelsang in which he expressed his resentment at the television portrayal of J. Edgar Hoover in the television program "Kennedy," which aired November 1983.

I believe Mr. Vogelsang has raised a number of legitimate criticisms of the television portrayal, which are based upon his personal experiences with Mr. Hoover and with the FBI. I would like to share Mr. Vogelsang's views with my colleagues at this time by including his letter in the record.

The letter follows:

Hon. MAX BAUCUS,
U.S. Senator, Washington, D.C.

DEAR MAX: NBC-TV has presented a miniseries entitled "Kennedy" which you may have viewed. It appeared to be a recitation of the Kennedy Presidency. However, a major portion of the program was devoted to an anti-J. Edgar Hoover theme.

As you are aware, I am a retired FBI Agent whose career spanned 1941-1977. Among other things, it was noticed that when the TV presentation centered on Mr. Hoover, he was constantly referring to his subordinates and employees as "boy," in a most demeaning manner.

During my years as a Bureau employee, at no time did I ever have any knowledge of Mr. Hoover addressing employees in such a derogatory tone. Nor have any of my fellow Agents, over the years, ever mentioned this as being a trait of Mr. Hoover. The entire show made Mr. Hoover out to be almost a maniac.

After the finish of the telecast, a young lady in Butte informed my wife, Carol, that she was only 5 years old at the time of President Kennedy's death and recalled little concerning the era. But after seeing the program, "she had no idea J. Edgar Hoover was so evil." This is the thought the program presented. Why the writers, producers and directors of such a program would use this vehicle to vent their spite on Mr. Hoover is beyond comprehension.

Mr. Hoover is not here to defend himself. My wife and I consider the portrayal of Mr. Hoover and the FBI in this program to be an insult and an affront to all the people who have served in the FBI and it is deeply resented.

I would hope you might enter in the Congressional Record a protest to the misconception this telecast presented to the American public in an effort to correct the injustice brought about by NBC television and "Kennedy."

Sincerely,

HAL VOGELSANG.●

CONGRESSIONAL WIVES FOR SOVIET JEWRY

● Mr. HEINZ. Mr. President, this week the Congressional Wives for Soviet Jewry is hosting an international conference in Washington, D.C. With over 50 wives of Members of the U.S. Congress, as well as wives from members of the Canadian, British, Israeli, and Netherland Governments, the CWSJ has become a forceful and active participant in the international effort to call attention to the plight of Soviet Jewry and to support efforts to free the thousands of victims of Soviet oppression.

It is testament to this great democracy we call America that these women will assemble in our Nation's Capital to meet with top administration officials such as Robert McFarlane, Assistant to the President for National Security Affairs, and Elliott Abrams, Assistant Secretary for Human Rights and Humanitarian Affairs, and to hear Elie Wiesel, himself a Holocaust survivor and one of the most eloquent voices in opposition to persecution, discrimination, and oppression wherever it exists in the world. No such opportunities exist in the Soviet Union.

Anatoly Shcharansky, Iosif Begun, Viktor Brailovsky, Ida Nudel, these are just a few of the literally hundreds of names that have become symbols of the movement to put pressure on the Soviet Government so that these innocent victims can achieve a long-held dream of joining their family and friends in the United States or Israel. Our efforts toward this important goal must not cease.

Mr. President, I would like to take this opportunity to extent my sincere appreciation to the congressional wives for their work on behalf of Soviet Jewry, and to the National Conference on Soviet Jewry for their efforts. Mr. President, I ask to have printed in the RECORD a letter I received from Elena Fridman, the sister of Ida Nudel, who is now living in Israel and eagerly awaiting her sister's release from the Soviet Union. I would also like to place in the RECORD a New York Times article about the congressional wives conference this week.

The letters follow:

REHOVOT, ISRAEL, *February 28, 1984.*

Hon. H. JOHN HEINZ,
U.S. Senate,
Washington, D.C., U.S.A.

DEAR SENATOR HEINZ: I continue to appreciate the depth of your concern for the fate of my sister, Ida Nudel, and your efforts to bring about the reunification of our small family.

I write to you at this time in anticipation of the upcoming international conference of the Congressional Wives for Soviet Jewry scheduled to take place in Washington D.C. at the beginning of April, knowing that many of Ida's and my friends will participate and hoping you will share this report with those participants with whom you have contact.

Having legally completed her sentence of four years of internal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal residence permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she had received in Siberia which had helped sustain her spirit. Since arriving in Bendery, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu: No Such Address." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendant at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she had previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local deputy police chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to her home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks earlier.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Shebanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the by-laws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616—IX—19/V 1977

"Paragraph 8: An organization or group of people who believe may begin their activities only after a decision as been taken based on registration by the Committee dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida bravely replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Senator Heinz, I have come to know you as a friend of Ida's as someone concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, as she approaches her 53th birthday on April 27, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely yours,

ELENA FRIDMAN.

CONGRESSIONAL WIVES TAKE ON DELICATE ISSUE

(By Barbara Gamarekian)

WASHINGTON, April 1.—For more than five years, a group of Congressional wives has quietly pursued a cause. The women write letters, make speeches, hold silent vigils in front of the Soviet Embassy and meet with dissidents in Moscow and Russian émigrés in Washington.

The group, Congressional Wives for Soviet Jewry, is one of the many organizations in the capital with a cause. In this case, the women have banded together to support the cause of human rights in the Soviet Union.

Congressional Wives for Soviet Jewry is sponsoring a three-day conference that starts today. Some 20 wives of Members of Parliament from Canada, England, Israel and the Netherlands will join wives of American lawmakers in meetings with officials, including President Reagan's national security adviser, Robert C. McFarlane, and the Assistant Secretary of State for Human Rights, Elliot Abrams. On Tuesday night, Elie Wiesel, the noted writer on the Holocaust, will speak at a dinner in the Senate Caucus Room.

NO MEETING WITH AMBASSADOR

A request to meet with the Soviet Ambassador here has gone unanswered, according to Dolores Beilenson, co-chairman of the group. And a request that the women meet with Nancy Reagan, Mrs. Beilenson said, "could not be worked out."

Mrs. Beilenson is the wife of Representative Anthony C. Beilenson, Democrat of California. The other cochairmen of the group are Joanne Kemp, wife of Representative Jack Kemp, Republican of Buffalo; Teresa Heinz, wife of Senator John Heinz, Republican of Pennsylvania, and Shirley Metzenbaum, wife of Senator Howard M. Metzenbaum, Democrat of Ohio.

The group was founded in 1978 by Mrs. Kemp and Helen Jackson, wife of Senator Henry M. Jackson, the Washington Democrat who died last year, after several Congressional wives had met with Avital Shcharansky, wife of the imprisoned Jewish dissident Anatoly B. Shcharansky.

The 45 members of the group include women whose husbands represent all shades of the political spectrum.

"We are basically a watchdog group," said Mrs. Kemp, adding that the members petitioned the Soviet Embassy on "prisoners of conscience" and met on an ad hoc basis for briefings from experts on the Soviet Union and for talks with Soviet Jews who have emigrated. She said she was in touch with the families of Soviet dissidents whom she met in Moscow last summer.

Mrs. Beilenson said: "When a case comes up, like the recent Iosif Begun trial, we were able to get information to a number of Congressional people. Some of us write letters, give talks, some try to stimulate activity back in our districts."

The number of Jewish emigrants from the Soviet Union has recently slowed to a trickle, with 1,315 emigrating in 1983, according to Catherine Cosman of the Commission on Security and Cooperation in Europe. She estimated that 200,000 to 400,000 Jews want to emigrate from the Soviet Union.

Mr. Heinz, whose own family was uprooted from Mozambique, says she thinks most Americans "don't understand persecution."

"They have never seen tanks coming through, people killed," she said. "My experience is very different from Soviet Jews, but I know about expatriation and loss and having no recourse. You just pack up and go. I have seen it happen to my family and friends."●

SOVIET TREATY VIOLATIONS

● Mr. GARN. Mr. President, I want to commend my colleagues Senators McCLURE and KASTEN, for requesting a session of the Defense Appropriations Subcommittee to review the issue of Soviet arms control treaty violations and their implications for U.S. security. This is a critically important subject, and one that must receive our continued attention in the wake of the President's report on Soviet noncompliance. The President has taken a major step forward in an effort to restore integrity to the arms control process; yet it is only a first step.

We must assess the security and arms control implications of Soviet actions, and design an integrated program to negate any advantage the Soviets might hope to secure through their noncompliance with treaty commitments. To this end, I would like to bring to the attention of my colleagues the prepared statement of Mr. Richard Perle, Assistant Secretary of Defense for International Security Policy, who testified before the subcommittee. Mr. Perle continues to be one of the most forceful and articulate spokesmen for responsible arms control policy, particularly with respect to verification matters. His counsel on the subject of Soviet arms control treaty violations is, therefore, deserving of our careful consideration. I ask that Assistant Secretary Perle's statement be printed in the RECORD.

The statement follows:

TESTIMONY OF THE HONORABLE RICHARD PERLE, ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY POLICY)

Despite the unhappy nature of my report to you this morning, it is a pleasure to appear before the Senate Subcommittee on Defense Appropriations. I have been asked to speak today about Soviet violations of important arms control agreements. As President Reagan told the United Nations Special Session on Disarmament in June 1982, "Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

After a year long intensive study of Soviet compliance with existing arms control agreements, President Reagan forwarded a report on Soviet compliance to the Congress on 23 January 1984. He summarized the findings of the report as follows:

The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

These are serious issues. Our concerns are deepened by the fact that Soviet violations in a number of cases involved treaties the terms of which are not very demanding—SALT II would allow an enormous increase in Soviet nuclear capability. Indeed, there has been almost a 75 percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979. The fact that the Soviet Union has gone even beyond this and violated important treaty provisions is a cause for serious concern.

Another cause for concern is the fact, as Secretary Weinberger has observed in his recent report to the Congress, that: "Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreements."

There are serious potential security risks from Soviet arms control violations. This is particularly true in the ABM area. Since the ABM treaty does not limit the production of ABM intercepter missiles, which can be deployed rather quickly, the radar limitations are its core provision because large radars take years to construct. The ABM Treaty is hardly an optimum arms control agreement. Many of its provisions are permissive and thus involve a calculated risk. Even in 1972 the Soviet radar base was already more extensive than that of the then proposed U.S. Safeguard ABM. Indeed, a unilateral statement the U.S. government issued during the SALT I negotiations noted that, "Since Hen House [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential." The new Soviet large phased-array radars (LPARs), now being deployed in significant numbers, are far more capable than the Hen House.

The United States has long been concerned about the ABM potential of Soviet large phased-array radars. Indeed as early as 1970, then Secretary of Defense Melvin R. Laird told the Senate Foreign Relations Committee, "You all know that with regard to ABM defenses, long-lead items are the acquisition and tracking radars." Soon after signing the ABM treaty the Soviets began the construction of a new generation of large phased-array radars far more capable than the Hen House to support a large ABM program. Indeed, during the Carter Administration, the JCS reported that: "Soviet phased-array radars, which may be designed to improve impact prediction and target handling for ABM battle management, are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage."

In mid-1983 the United States discovered the construction of one of these radars deep in the interior of the USSR near the city of Krasnoyarsk. After a minute analysis study of this radar, its capabilities and Soviet explanations for its construction, the United States Government has concluded that: "The new radar under construction at Krasnoyarsk almost certainly constitutes a violation of the legal obligation under the Anti-Ballistic Missile Treaty of 1972, in that in its associated siting, orientation, and capability, it is prohibited by the Treaty."

We have other serious concerns about Soviet failure to comply with the ABM Treaty. During the negotiation of the Treaty, the U.S. Government attempted to deal with the threat of the upgrade of Soviet bomber defense (SAM) missiles into ABM systems. We were particularly concerned about the SA-5. In the testimony cited above, Secretary Laird voiced concern about the ABM potential of the Soviet SA-5 noting that, "We cannot rule out the possibility that the Soviets have given or will give this system, called the SA-5 or Tallinn system, an ABM role. We believe it is technically feasible for this system. This is a problem of particular concern because of the extent of the Tallinn deployment—over 1,000 intercepter missile launchers." The United States settled for a prohibition of testing such SAMs in the ABM mode but without a specific definition of what this meant.

Over the years we have expressed concerns to the Soviet Union about Soviet testing of bomber defense missile (Surface-to-Air Missiles or SAMs) radars against strategic ballistic missiles. A 1978 report of the Carter Administration stated that this activity ". . . could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system." Moreover, the Soviets have developed a rapidly deployable ABM system. In addition, as the Scowcroft Commission noted in its report, "At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against re-entry vehicles of some submarine-launched ballistic missiles and even ICBMs." Two of the new Soviet SAMs now being deployed, the SA-10 and the SA-12, could have ABM potential if provided data from large phased-array radars.

Concerning the SALT II Treaty we have determined that there have been a number of violations or probable violations. We believe that the Soviets have probably deployed the SS-16 ICBM in violation of a specific treaty prohibition. The Soviets have either flight-tested a second new type of ICBM in violation of a treaty provision or they have made impermissible modifications to an existing type. We believe that the Soviet SS-X-25 probably is a second new type in violation of the Treaty limit of one new type.

The limit of one new type of ICBM was described by the Carter Administration as

one of the principal limits of SALT II. To quote Secretary of State Cyrus Vance in 1979, "Based on their past practices they could be expected to acquire several entirely new types of land-based missiles by 1985; the treaty limits them to one." While the "new" type limit of SALT II was hardly as restrictive as the Carter Administration made it out to be, the one thing the Carter Administration did insist on was that the SALT II Treaty would prohibit their testing of both a new medium and a new small solid fuel ICBM. They have now done both. They have flight-tested a new medium solid fueled ICBM similar to our MX and the SS-X-25, a Minuteman sized solid fuel missile.

The United States has determined that Soviet encryption of missile telemetry impedes our verification of SALT II in violation of the agreement. This is a serious development because it also affects our ability to negotiate a verifiable START Treaty. Indeed, President Carter told a Joint Session of the Congress in June 1979 that: "A violation of this part of the treaty—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves." The Senate Foreign Relations Committee was so concerned about telemetry encryption in 1979 that it adopted an understanding to the resolution of ratification, sponsored by Senator Biden and adopted by a 15 to 0 vote, which provided:

That any practice with regard to the transmission of telemetric information during the testing of strategic arms limited by the Treaty, including but not limited to the failure to transmit relevant telemetric information, which results in impeding of verification by United States national technical means of any provision of the treaty, will be raised by the United States in the Standing Consultative Commission and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including, but not limited to, the right to withdraw from the treaty.

Soviet violations of the chemical and biological treaties are more than simple arms control violations. They are artrocities. These weapons have been used against defenseless human beings in an organized effort to drive them from their homes by killing thousands of them. The decline in the use of these weapons reported in today's newspapers does little for the thousands who have died and nothing to absolve the Soviets from eight years of cruel and inhumane attacks with lethal mycotoxins.

The Soviet violation of the Helsinki Final Act involved an action contrary to the confidence-building measures included in that agreement.

Soviet testing of nuclear weapons, which we believe is likely to have exceeded the 150 kiloton limit of the Threshold Test Ban Treaty, could result in the development of improved warheads for their strategic weapons systems.

Violations, however, are more significant than the immediate military consequences of the acts themselves. They raise questions about the integrity of the arms control process that may be far more significant than the short-term military impact. Despite much rhetoric in the 1970s about the terrible consequences to the Soviet Union of arms control treaty violations, it is clear that these treaties are extremely difficult to enforce. There are those who even now demand standards of proof that simply cannot be met by national technical means of verification. There are those who argue we should ignore violations because they are not militarily significant. Others suggest that these Soviet violations are somehow our fault—we have not been tough enough with them in the SCC. Some even suggest we should sweep these issues under the rug because they spoil the climate for future arms control.

There has been some criticism of our decision to make public these Soviet violations. Some of this echoes the criticism of the Arms Control Association without repeating its most fundamental injunction: "Violations of arms control agreements cannot be overlooked or excused." Perhaps the tone of the Arms Control Association press conference would have been different if it had accepted the Administration's offer of a classified briefing on the report before it held its press conference. It chose to hold its press conference before such a briefing could be arranged and even before the final report was finished and presented to the Congress.

The most fundamental misconception fostered by the Arms Control Association is that somehow Soviet arms control violations are our fault because until recently we have not raised SALT II issues in the Standing Consultative Commission (SCC). This is simply not true. We began raising SALT II issues in the Spring 1981 session of the SCC. We have also raised them through senior diplomatic channels. We called for a Special Session of the SCC in 1983 which the Soviets refused to attend.

The fact of the matter is that the SCC has been largely unsuccessful over the years in resolving compliance concerns. Unfortunately, previous administrations have exaggerated its effectiveness in order to sell unverifiable arms control agreements to the U.S. Congress. Ambassador Paul Nitze was correct in 1979 when, during the SALT II hearings, he testified that: "They [compliance concerns] were resolved by accepting what has been done in violation." One can debate whether the issues of the 1970's were violations or circumventions or a mix of both. There is no doubt that the Soviets have proven remarkably adroit at exploiting ambiguities in arms control agreements to proceed with activities that it was the intent of one of the parties—us—to preclude by treaty. In doing this, the Soviets have not hesitated to mislead us, deliberately and all too successfully, in order to achieve their purpose. While we regard the spirit of agreements as a guide to their implementation, the Soviets do not. They care nothing for the spirit of agreement and, while it suits their purpose, little more for their letter. This is a sad commentary; the truth is not always happy.

The charges we have made against the Soviet Union are the result of an extremely intensive study of Soviet compliance that lasted over one year. We carefully reviewed the evidence and the negotiating record. These charges shold not be confused with the Soviet propaganda contained in the Aide Memoire released by the Soviet Government. The Soviets know full well that we are in full compliance with our arms control obligations.

There is nothing new about arms control treaty violations or attempts to deny the existence of these violations or their significance. Sir Winston Churchill waged a very lonely campaign against these tendencies in the 1930's. In 1933 he first warned of Hitler's violations of the arms control provisions of the Treaty of Versailles. His revelations were treated with disbelief. The Labour party had just won an important by-election on an overtly pacifist platform. In 1933 Sir Winston noted that these pacifist leaders ". . . represented that Germany might have a few thousand more rifles than was allowed under the Treaty, a few more Boy Scouts" but then "pictured the enormous armies of Czechoslovakia and Poland and France with their thousands of cannons, and so forth. If I could believe that picture I should feel much more comforted, but I cannot. The great, dominant fact is that Germany has already begun to rearm." Mr. Churchill's warnings were ignored.

In 1934 Sir Winston Churchill challenged the British Government concerning German compliance with arms control provisions of the Treaty of Versailles. In the House of Commons he stated that—

". . . the worst crime is not to tell the truth to the public, and I think we must ask the Government to assure us that Germany has observed and is observing her treaty obligations in respect to military aviation." Unfortunately, the British Government did assure the British people, contrary to the facts, that Hitler was not violating the Treaty of Versailles.

Even as late as 1935 the British Government was ignoring Hitler's arms control violations, even refusing to admit that the Germans were violating the limits on warship construction. Sir Winston railed in the House of Commons, ". . . even the battleships are laid down. I do not know how the Admiralty came to be without information that even battleships, contrary to the Treaty, were being laid down. I am astounded at such a thing. We always believed before the [First World] War that battleships could never be laid down without our knowledge. The Germans were entitled to build 10,000-ton ships according to the Treaty, but they, by a concealment which the Admiralty were utterly unable to penetrate, converted these into 26,000-ton ships. Let us be careful when we see all these extremely awkward incidents occurring."

The British Government was not careful. It continued to deny Hitler's arms control violations. Thus, England slept until it was too late to avoid the second World War.

This Administration is dedicated to the negotiation of effective, meaningful and verifiable agreements for arms reduction. This cannot be accomplished by ignoring Soviet arms control violations and pretending that they do not exist. Arms control without Soviet compliance is nothing more than an exercise in unilateral disarmament. Arms control agreements must be complied with if there is any hope that they will increase our security.

The Soviet arms control compliance record must be taken fully into account when we formulate future arms control proposals. The fact that the Soviets have cheated in the past does not rule out the possibility of mutually beneficial agreements in the future, but it does rule out the type of ineffective agreements based upon wishful thinking that we have negotiated in the past—and which some proposed today.

We will continue to press the Soviets for corrective action. However, we must recognize that the problem of Soviet arms control violations has not yet been solved. We must, if we are not to face an expanding pattern of Soviet violations, see that such violations carry costs at least equal to the gains they derive from them. The full funding of the President's strategic weapons program is essential in view of these violations. We are now in the process of assessing the implica-

tions of these violations for our Mid- and long-term programs. It is clear, however, that the enormous momentum of the Soviet strategic weapons program continues largely unconstrained by existing treaties.●

THE ST. LAWRENCE SEAWAY

● Mr. GLENN. Mr. President, today, Monday, April 2, is an important day to those of us involved with the Great Lakes. Today we witness the opening of the St. Lawrence Seaway for another season, but even more important is the fact that this is the 25th anniversary season of this vital waterway. The construction of the St. Lawrence Seaway was an important step in opening world markets to Great Lake ports. But there is work left to be done, and the time to start is now.

The economic benefits of the international trade allowed by the seaway is hard to calculate in precise terms. But conservative estimates show that, for 1983, the seaway supplied $1 billion in direct economic benefits and $2 billion in indirect benefits to the Great Lakes States and neighboring Canadian Provinces. Also, the value of the cargo shipped through the seaway in 1983 was estimated at between $8 and $10 billion. These figures represent a slow season on the lakes. There is no telling how high these might have been had the lakes experienced a boom year like 1978.

The seaway enjoys a rich history of congressional and diplomatic triumphs. I could spend a substantial amount of time tracing congressional involvement from authorizing the seaway to the recent action forgiving the seaway debt. There is also much that could be said relative to the diplomatic successes of the seaway from establishing the St. Lawrence Seaway Authority to yearly toll negotiations. The diplomatic accomplishments alone are an impressive success story which should be a symbol of the possibilities of international cooperation.

But this 25th anniversary is not the time to dwell on the past. This is the time to recognize the challenges which lie ahead for the St. Lawrence Seaway: The need to improve its facilities and to encourage greater use of our northern seacoast as a means of transportation. Some of these problems can be addressed by Congress while others demand greater involvement by private interests.

While the St. Lawrence Seaway has provided wide ranging benefits to the Great Lakes, it has never reached its full potential. The locks are limited in length and depth. They can handle vessels no longer than 726 feet long and with drafts no more than 26 feet, precluding use by modern ships. The seaway also is limited by its single locking facilities, which only allow one-way traffic. These limitations cause serious bottlenecks and increase the cost of cargo. These are problems which Congress can and must address in the near future.

But these are problems which are beyond simple legislative action. I became aware of the problem when talking to Mr. Tom Burke, the port director of the Port of Cleveland and the president of the Council of Lake Erie Ports, who emphasized the need to encourage greater use of the Great Lake ports and the seaway. Many businesses in the region do not ship one item through these ports or the St. Lawrence Seaway. I think the time has come for businesses in the Great Lakes region to take a good, long look at our lake ports and St. Lawrence Seaway. If we in the Great Lakes region are going to compete in world markets and rebuild our economy, we will need the low-cost transportation offered by these ports and the seaway.

After 25 years. those of us who border on the lakes can give thanks for a great deal. But we also must look ahead to our new challenges. Through hard work and a good deal of cooperation, we can enjoy 25 years of even greater accomplishments.●

CIRCUS DADDY DAY

● Mr. LEVIN. Mr. President, I mention a very special event which is being held by a very special group of people in Detroit, Mich., today.

The International Order of Alhambra is a fraternal organization of Catholic men dedicated to assisting the mentally retarded. In an effort to bring joy and pleasure to those they are so dedicated to, the Michigan Council of Caravans is hosting "Circus Daddy Day." They have bought out the entire matinee performance of the Shrine Circus and the Alhambran "Daddies" will host more than 7,000 retarded, blind, and handicapped childrens' day at the circus. The children will not only enjoy the excitement of a day under the big top, but they will be treated to hotdogs, ice cream, and soft drinks. I am proud to salute these Michigan citizens and the outstanding, unselfish service they provide.

Nationally, the Alhambrans also help underwrite scholarships for teachers training in the work of mental retardation. Their efforts have not been confined to the United States but have also been extended to Japan, the West Indies, and Canada. Since 1958, the order has given more than $5 million to aid mentally retarded children. I commend the national Order of the Alhambra and particularly the Michigan Council of Caravans for all they do.●

APRIL IS FAIR HOUSING MONTH

● Mr. MATHIAS. Mr. President, April marks the 16th anniversary of the enactment of the Fair Housing Act—title VIII of the Civil Rights Act of 1968.

It is a time of rededication for all Americans to the goal of title VIII to provide for fair housing. It is a time for the executive branch of Government to redouble its enforcement of the law of the land. And it is a time for us in the legislative branch to intensify our efforts to fill the enforcement gap of title VII.

Title VIII, the Fair Housing Act, was crafted almost entirely on the floor of the U.S. Senate. It explicitly stated that it is unlawful to refuse to sell or rent housing or to discriminate in the terms or conditions of such housing, its insuring, financing, advertising, or other offering because of race, color, religion, sex, or national origin. The legislation declared it unlawful to blockbust, redline, or otherwise make unavailable or deny housing to anyone because of those factors.

The act vested authority and repsonsiblity for administering the law with the Department of Housing and Urban Development, but provided very limited enforcement powers to HUD and limited remedies to the aggrieved person.

It is this enforcement gap which the Fair Housing Amendments Act (S. 1220 and H.R. 3482) seek to rectify.

April 4 also marks the 16th anniversary of the assassination of Dr. Martin Luther King, Jr. It is a tragic fact that Dr. King's death and the ensuing crisis in many of our Nation's cities were the catalyst for focussing Congress' efforts on passage of the 1968 Civil Rights Act. Dr. King was killed on April 4. The Civil Rights Act was signed into law on April 11. It is a sad commentary on the American political system that it took a martyrdom and growing civil unrest to spur the Congress and President to action in the area of civil rights.

But it need not be so. Just last month, our Nation lost a pillar of the civil rights movement, Clarence Mitchell. The hallmark of Mr. Mitchell's long and successful career in moving this country forward in its thinking and action on civil rights was his ability to forge quiet consensus.

For the past 8 years, I have watched a growing consensus form around fair housing legislation which I have been privileged to sponsor in this and the past three Congresses.

I have watched the bipartisan cosponsorship of it and its House companion grow over the years, as they garnered a broad constituency of support not only in the civil rights community, but among handicapped, labor, women, religious, senior citizen, Hispanic, and Asian-American groups; homebuilders; municipal officials; State attorneys general and human rights commissions; black real estate brokers; and constituencies within the real estate and housing management professions.

The bill over the years has received favorable testimony and constructive comment not only from the Department of Housing and Urban Development, but also the Department of Justice, the U.S. Commission on Civil Rights, and the Administrative Conference of the United States.

The bill fills the enforcement gap in title VIII by providing the Federal Government with cease and desist authority to hold the housing unit in question off the market while efforts at conciliation are made. It expands the time period for a person to file a charge of housing discrimination and sets times certain for HUD or a certified State or local agency to investigate, conciliate, and, if necessary, proceed to an administrative hearing and decision. It strengthens the penalties for violations of the fair housing law to make whole the victim of discrimination.

Lastly, it adds two protected classes to title VIII's protections: handicapped persons and families with children. I believe the evidence is clear that discrimination against these groups in housing is a problem of national proportions, and the 39 bipartisan Senate sponsors of this legislation I am sure join in this belief.

We have honed this legislation over the years as a result of extensive hearings, markups, and consultations with all parties concerned.

I regret that the election year pressures of this session of the 98th Congress seem to preclude us from moving this legislation through to enactment. I promise my colleagues and those who have worked closely with us on perfecting this legislation that it will again be a top legislative priority in the next Congress.

The problems of housing discrimination are with us today as much as ever. The practices may be somewhat more subtle, but the results are just as destructive—segregated housing, segregated schools, unequal housing opportunity, and higher social costs for all Americans.

We cannot rely solely on the good intentions of the private marketplace, voluntarism, and HUD public relations efforts to bring about true equal access to housing for all Americans.

Government has as much a responsibility to enforce civil rights as it ever did. We must not lose our precious civil rights gains through neglect, benign or otherwise. Nor can the Nation afford to let this festering problem become a national crisis before the national conscience is spurred to act. Let us in the Senate commit ourselves to having heard, marked up, and reported the Fair Housing Amendments Act by this time next April, so that we may rightfully celebrate the month of April as "Fair Housing Month."●

QUALITY EDUCATION IN AMERICA

● Mr. MITCHELL. Mr. President, the issue of the quality of public education is one of great concern to all Americans. On August 26, 1981, the National Commission on Excellence in Education was directed by the President to present a report on the quality of education in America. In April 1983, the Commission released its report entitled "A Nation at Risk: The Imperative for Educational Reform," which showed that the quality of public education in this country was in need of major and immediate reforms. The report pointed to many problems in American education, including the quality of teachers and the apathy of students.

In light of these publicized shortcomings in our public schools, I am especially proud to share with the Members of the Senate the outstanding achievement of a sixth grade English class in New Gloucester, Maine. James Plummer, a sixth grade teacher at Memorial School in New Gloucester, is a dedicated and creative educator who motivated his class to compile a book of activities from the contributions of many artists and writers living in Maine. The children wrote to such noted people as Jamie Wyeth, Stephen King, and E. B. White and obtained original works with rights and royalties for publication. The book, entitled "A Gift From Maine," is a 160-page volume published by the Guy Gannett Publishing Co. in Portland, Maine.

Mr. Plummer's original objective was to teach his students basic skills while having them use their imagination and creativity. The idea grew into an exciting project as the class received responses from many of the artists and writers who volunteered to share their talents with the children. Each response received by the class was a gift to the children of James Plummer's sixth grade, hence the book's title, "A Gift from Maine."

I want to add my congratulations to those already received by Mr. Plummer and his students. I also want to commend the artists and writers who gave of themselves in an effort to spark creativity in young children in a public school setting. I believe the combination of James Plummer's creative teaching methods and his students' motivation to apply the skills and knowledge learned in the classroom to an exciting project, is an excellent example of the educational achievements we can expect from our Nation's public schools.●

EDWIN B. FORSYTHE

● Mr. LAUTENBERG. Mr. President, last week the State of New Jersey and the House of Representatives lost a very valuable Member of Congress, Ed Forsythe. I did not know Ed well, as we served together for only 1 year. However, I knew him by reputation long before I knew him as an individual. My deepest sympathy and prayers go to his family and friends.

Mr. President, Ed Forsythe was one of those Members of Congress who pursued his responsibilities quietly, but with commitment and dedication. His career in public service began over 30 years ago, when he served in a variety of capacities in his home town of Moorestown. Ultimately he went on to serve in the New Jersey legislature and was elected to Congress in 1970.

Ed was known by his constituents and colleagues as a thoughtful legislator; a man of principle, integrity and compassion; a man deeply committed to peace; and a man vitally concerned to protect our natural resources. As ranking member of the House Merchant Marine and Fisheries Committee, Ed worked conscientiously to protect the fragile natural resources of his district and New Jersey. He was an extremely hard-working and careful legislator, who served his constituents and the Nation diligently.

All of us in New Jersey and the Congress will miss Ed. I extend my deepest condolences to his family and friends.●

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL TOMORROW AT 11 A.M.

Mr. STEVENS. Mr. President, is there an order for reconvening the Senate tomorrow?

The PRESIDING OFFICER. There is not.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. STEVENS. Mr. President, following the time for the two leaders under the standing order, I ask unanimous consent that special orders be entered for not to exceed 15 minutes for Senators PROXMIRE, DOMENICI, and KASTEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following those special orders, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS ON TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate then stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I understand that following the recess, the Senate will resume consideration of House Joint Resolution 492, the urgent supplemental appropriations bill for the Department of Agriculture.

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. STEVENS. Mr. President, is there further business to come before the Senate? May I ask my good friend from West Virginia if he has any further business?

Mr. BYRD. Mr. President, I thank the majority leader for his courtesy. I have none.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to, and the Senate, at 7:04 p.m., recessed until Tuesday, April 3, 1984, at 11 a.m.

EXTENSIONS OF REMARKS

THE MEESE AFFAIR

HON. LES ASPIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. ASPIN. Mr. Speaker, the Army Reserve promotion given Presidential Counselor Edwin Meese III, raises fundamental questions about the integrity of the Reserve officer promotion system. This document reviews the Meese affair as a case study of the Reserve promotion system. The conclusion is that the system is vulnerable to manipulation, but not fundamentally flawed. In other words, there are problems that need to be addressed in order to insure both the integrity of the system and the appearance of integrity, but the system is not so foul as to require starting from scratch.

This report is not an investigative document based on interviews with or testimony from Edwin Meese; it is an effort not to fix blame or absolve any of the players in the Meese case, but rather to provide a narrative of the Meese case as an exposition of the problems that will continue to plague the Reserve promotion system unless corrective action is taken. This issue is of significance beyond the parochial concerns of the men and women in the Reserve system. The House Committee on Armed Services has sought to induce the services to place greater reliance on the Reserves. One impediment is lack of faith by the Active Forces in the Reserve promotion process. A promotion system in the Reserves that shares the same degree of integrity as that in the Active Forces is, therefore, very much in the interest of all those who wish to see the full promise of the Reserve system realized.

BACKGROUND

In January 1977, Edwin Meese approached the third anniversary of his promotion to lieutenant colonel in the Army Reserve. In the intervening years, he had not completed professional military education requirements—specifically, course work at the Command and General Staff College. Given that fact, and in accord with regulations, Meese was offered two alternatives: assignment to the retired Reserve, or discharge. Meese elected the former.

In June 1981, a few months after entering White House service, Meese expressed an interest in resuming active affiliation. This was reportedly expressed in an informal social setting in California with some high-ranking Reserve officials. Whether Meese's remarks were merely a passing bit of social chatter or were a definitive statement of what he had thought out and wished to see come to pass is beyond the scope of this document. It is clear, however, that his remarks were taken very seriously by a high-ranking Army Reserve officer in attendance because that officer set in motion a series of unusual personnel actions that resulted in Meese's return to active affiliation and promotion—all achieved with extraordinary speed.

The speed was dictated in part by legal necessity. Under the law, an officer of Meese's grade, lieutenant colonel, cannot serve on active status if he has more than 28 years and 30 days as a commissioned officer. That deadline for Meese was July 7, 1981. Another law provides that a Reserve officer assigned to the Selective Service System may be retained in active status, regardless of years of commissioned service, until age 60 if the Selective Service Director so chooses.

Faced with the July 7 deadline, Meese was transferred from the Retired Reserve to the Inactive Reserve on July 1. That same day, the Department of the Army directed that a position be established in the Selective Service System for an Army Reserve "Mobilization Designee." This refers to a position that will be filled by a specific reservist in the event of national mobilization. There are many thousands of such positions, which are not required in peacetime but which are considered essential once the Nation begins to mobilize its Active Forces, Guard, Reserves, and conscription system.

The next day, July 2, Meese was transferred from the Inactive Reserve to the Selective Service System. The July 7 deadline for his mandatory retirement was thus avoided and Meese could remain in active status.

On October 19, 1982, a board convened to consider promotions for Reserve officers to the grade of colonel. The following day, Meese took a physical examination. A physical exam is required before promotion board reviews. Meese has been ordered to take a routine exam no later than March 1982, but had failed to take it by that deadline.

Meese, however, still lacked the professional military education requirements for promotion to colonel. This would normally have involved course work at the Army Command and General Staff College at Fort Leavenworth, Kans. Regulations do provide, however, for alternative courses. In Meese's case he was given permission to take a substitute course in national security affairs given by the Industrial College of the Armed Forces (ICAF) at Fort McNair in Washington, D.C. Regulations also provide that officers whose practical experience in civilian life has given them unique capabilities may be given construction credit, that is, credit in lieu of completion of assigned academic work. On November 3, 1982, the Director of the Selective Service System requested that Meese be given constructive credit in lieu of completing the national security course at ICAP. The constructive credit was based on Meese's experience in the national security field by virtue of being an aide to the President.

In sum, Meese was given constructive credit in lieu of a course of study that was to be taken in lieu of the military requirement that was to have been completed almost 6 years earlier.

On November 8, approval of Meese's constructive credit was sent to the promotion board. The board adjourned on November 19. The following February 24, Meese was confirmed as one of the board's selectees for promotion to colonel in the Army Reserve.

EVALUATION

Exceptions and waivers are normal in any administrative system. They are essential to provide flexibility to address anomalies so that the goals of an organization are not tripped up by the letter of its own rules. In this case, the number of waivers granted, the often tortuous procedures applied, and the expeditious processing undertaken were unusual, though not necessarily unique. In general, regulations were complied with, though in a few instances the rules were simply ignored.

Reactivation: Meese was originally placed on the retired list because he had failed to complete the required professional military education. He was restored to active status without fulfilling that requirement. The requirement was not fulfilled until 16 months after Meese's return to active status.

Assignment to Selective Service: No effort was made to fulfill the requirement to justify the creation of the new mobilization designee position at

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Selective Service. That would obviously have been no more than a bureaucratic exercise, however, since it is quite clear from the timing that the position was dreamed up for Meese in order to get around the deadline for his mandatory retirement.

Designation as mobilization asset: A mobilization designee must be available in the event of mobilization. Because of concern that too many Federal employees were simultaneously reservists and holders of key civilian Government positions, Congress directed several years ago that the availability of mobilization designees be reviewed at least annually. Those not available are not to be assigned to such mobilization positions. It strains credulity that anyone could believe that, in the event of war, a principal assistant to the President would traipse off to the Selective Service System to help process draftees. Those who made the decision to install Meese at Selective Service clearly placed the personal benefit of the mobilization designee above the national security policy they were tasked with fulfilling.

Promotion: It appears that Meese's name and record were not presented to the promotion board in normal sequence, but in a manner that highlighted Meese in contrast with other candidates. While perhaps not a violation of the rules, this is certainly a violation of the spirit of the promotion board process, which was designed in part to prevent individuals from receiving special consideration. Such consideration was practically required to make Meese competitive before the board. Other indicators in his file—the failure to perform any military duty in the preceding 6 years, and the need for constructive credit twice removed to fulfill an educational requirement, for example—should otherwise have placed Meese far down the list when compared with officers who had demonstrated skill and dedication over years of weekend, summer, and evening work.

IMPLICATIONS

The Reserve personnel system was twisted, bent, and bullied in order to provide Meese with a return to active status and a promotion. There are several concerns here.

Promotion system integrity: The promotion system is designed to select men and women for higher rank based on their demonstrated capability. As such, the promotion system must be not only fair, but also perceived as fair in order to inspire confidence in the system among aspiring officers. Such manipulation as was seen in the Meese case can only have a depressing effect on morale and could also encourage others to seek promotions through manipulation rather than performance.

Reserve integration with Active Forces: The Active Forces too often look down their noses at the Reserve Forces. One constant complaint relates to the Reserve promotion system, which is commonly viewed as inferior and untrustworthy. That complaint is regularly used to oppose proposals to give the Reserve Forces a greater role in the national defense. Instances such as the Meese case further erode confidence in the system, making it harder to achieve the greater Active Reserve integration which has long been pursued by the House Committee on Armed Services.

Personal benefits: Meese did not stand to profit personally from his return to active status because he was not performing drills, which are necessary to gain pay and retirement benefits. However, his promotion to the grade of colonel automatically raised the retirement benefit for which he will ultimately be eligible by about one-fourth. Apart from the financial implications, it is clear that high-ranking officers of the Army Reserve went to great lengths to fulfill a wish expressed by Meese where the goal was clearly not national security but personal gratification.

POLICY CONSIDERATIONS

Two areas of systemic weakness are highlighted by the Meese case, one a flaw in design and the other a flaw in operation. Together they permitted, or failed to prevent, abuse of the process.

First, in order to be considered for promotion, a Reserve officer need not have actively participated for any minimum time. The officer need only be in active status at the time the promotion board convenes. This arrangement exalts active status as a goal worth achieving solely for its own sake. It invites the loss of perspective and manipulation of process seen in the Meese case.

Second, the mechanism for screening from the Ready Reserve those key Government employees who would be needed in their civilian jobs in the event of national emergency must be taken more seriously. As much as any other aspect of the Reserve concept, this mechanism cannot afford to address the eventuality of mobilization with a nudge and a wink. Practically speaking, the procedure for evaluating key personnel suffers from a lack of clear standards, definitions, and priorities. Furthermore, screening is not sufficiently strict.

Mobilization designee positions are, by definition, key positions in time of war. For that reason, the law allows reservists filling such positions of skill who would otherwise be retired to remain in active status. For the same reason—the significance of the position in time of war—these slots must not be filled by reservists who obviously would have other, more important, duties to perform by virtue of their key civilian positions.

To allow someone with such a key civilian post to avoid retirement from the Reserves by taking advantage of the tenured nature of a mobilization designee position is nothing short of an abuse of the system. The door to continued active status is opened by the tenure provided by mobilization designee status; that door, however, must be closed to reservists who quite clearly cannot be expected to appear upon national mobilization.

Fortunately, the Reserve officer personnel management system is not readily susceptible of abuse. It is, however, susceptible of improvement. That improvement should be effected by comprehensive legislation, standardizing the provisions for appointment, promotion, separation, and retirement of Reserve officers and including specific provisions establishing: First, active participation of some specified recency and duration as one criterion for eligibility for promotion; and second, statutory guidelines for screening key personnel.●

SUBMINIMUM PAY NEEDED

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial from the March 16, 1984 edition of the Oxnard Press-Courier, Oxnard, Calif. It makes a compelling argument as to why Congress should enact subminimum wage legislation to encourage the creation of summer jobs for teenage unemployed. Specifically, this legislation would address the incredibly high unemployment rate suffered by black teenagers across the Nation.

The article follows:

SUBMINIMUM PAY NEEDED

The summer subminimum wage proposed by the Reagan administration must be passed if Congress is serious about reducing black teen-age unemployment.

The Reagan proposal lowers the minimum wage from $3.35 an hour to $2.50 an hour for workers under age 22 who are hired between May and September. The administration hopes to cut the appalling 50 percent black teen-age unemployment rate by making unskilled youths more attractive to employers looking for summer help.

Black teen-agers suffer from high unemployment because they lack job skills. And they lack job skills, in part, because the minimum wage has priced unskilled labor out of the job market. Consequently, by the time these youths reach their 22nd birthdays, they are essentially nonpersons—having no job experience, no references and no employment opportunities.

Decreasing the minimum wage by 75 cents will not mean sweatshop wages for black teen-agers. Rather, it will help them obtain

jobs simply because labor is more affordable when it is inexpensive. From 1890 to 1930, before there was a minimum wage, employment levels for blacks and whites were even.

In the late 1940s, before the minimum wage began growing by leaps and bounds, black teen-age unemployment was less than or equal to white teen-age unemployment. Today, the unemployment rate for black teen-agers is double the rate for teen-agers as a whole.

The Reagan administration has been joined by the National Conference of Black Mayors to exert a "full-court press" on behalf of the summer subminimum wage. But many liberal congressmen are reluctant to go along. They assert that subminimum-wage teen-agers will replace more highly paid adults.

The summer subminimum wage, however, is specifically targeted for the months when youths are hired for summer jobs.

And just to ensure that unemployment is not merely shifted from the young to the old, the Labor Department has promised to impose sanctions on employers who dump older workers for subminimum wage employees.

Fundamentally, the liberals' contention that every job gained by a subminimum-wage youth will be at the expense of a higher-paid adult represents a basic misunderstanding of the American economy. Each new worker does not necessarily replace an old one. Productive workers expand the economy and create more job opportunities.

Indeed, the subminimum wage would create service-related jobs that business currently can't afford to offer—delivery boys, ushers, elevator operators, etc.

Certain members of Congress have been good at decrying President Reagan's efforts on behalf of the poor and disadvantaged, but they have been very bad at doing anything more for them than keeping them on the dole. The subminimum wage should be enacted before schools close for summer vacation.●

THELMA CHAMBERS: COMMUNITY LEADER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Ms. OAKAR. Mr. Speaker, one of our finest community leaders has been featured in the Plain Dealer. Thelma Chambers is a credit to the Near West Side of Cleveland.

SHE FIGHTS TO MAKE THE WORLD BETTER FOR HER SON

When Thelma Chambers makes a snack, she prepares at least twice as much as she can eat. She knows that somebody will stop by for a chat, and fixing it ahead of time saves an extra trip to the kitchen.

A slumber party atmosphere prevails when Chambers' friends flock into her living room, but there also is a serious undertone: these Near West Siders are joining forces to save their neighborhood.

When Chambers was a young woman, no one would have expected her to become a public figure, even in a movement to save a neighborhood. She married young and her life revolved around her home. After moving to Cleveland from West Virginia in 1959, she spent several years managing fast food stores.

All of this changed after her son Alford Jr. was born in 1968 and she decided that she did not want him to grow up in the environment she saw around her.

"During the early 1970s, glue sniffing among neighborhood youths was a serious problem and one incident made Chambers take action: "There was this young man out on my tree lawn so gone from sniffing glue that he was just lying there and staring into a thunderstorm."

At the urging of Chambers and other concerned parents, Mary Rose Oakar, then a Cleveland councilwoman, pushed a ban on the sale of glue to minors through council. Ohio Sen. Charles Butts (D-23) agreed to introduce a bill in the legislature calling for such a ban on a state-wide basis.

Chambers said she was harassed during this time: "People would throw eggs at my house and drive by and call me all kinds of names like 'busybody.' They didn't want their source (of glue) to dry up and knew I was leading the fight against its sale. I was terrified by what they were doing and there were times when the noise kept me up all night."

From then on more issues came to the force in Chambers' life, like the movement against arson. The anti-arson effort was started in 1978 when residents grew increasingly more despondent at seeing the Near West Side turned into an inferno. It represented a joint effort of neighbors in action and the West Side Community House.

Chambers, who had been working on desegregation issues, was assigned to spearhead the drive. She and others went door-to-door encouraging people to report any information they had about suspicious fires. Also, signs were posted throughout the neighborhood announcing a $10,000 reward for tips leading to an arson conviction.

Through Project Secure, vacant and vandalized houses were boarded up preventing would-be arsonists from gaining entrance. In time the hard work began paying off. Arson dropped drastically, as much as 50 percent in one year.

Chambers found that in most projects that caught her interest she had to take the first steps alone and then involve others. When the going gets tough she thinks about her son and the world she hopes he will have.

One particularly painful incident occurred during her efforts to aid peaceful desegregation. Many parents agreed to take a tour of the East Side schools their children would be attending, but when the day arrived Chambers was the only person to board the bus bound for Glenville.

"It was a cold . . . cold . . . morning and I went through a whole range of emotions riding alone on that bus. At first I felt ashamed for all of the people who had said, 'I want to see what is over there,' but never came out to see what was going on. I felt shame and then anger. I was also more than a bit embarrassed. Things went from bad to worse when I got to the school and they had a welcoming committee and whole trays of food. I didn't know what to do."

Chambers prefers not to dwell on the past but she is enthusiastic about recounting the victories—like the role she and her ragtag army played in bringing the distribution of government surplus cheese closer to people. The cheese was being passed out from local social service centers and community houses when Chambers arranged to have the Divine Free Will Baptist Church, 2130 W. 42d St., used as a distribution point.

This arrangement made matters easier for senior citizens and women with children, who might otherwise have had to wait in line for hours. Chambers also said that because of the change, "Many of the people who came to get the cheese volunteered to help . . . They said 'Let me unload or do anthing else you need.' By helping they were able to keep their dignity. They'd fallen onto hard times but were still able to help out and feel better about themselves."

The atmosphere was almost jovial when food was passed out from the church. Chambers said the job left her exhausted but exhilarated, and she enjoyed "meeting folks she had not seen in a while."

When a Convenient Food Mart was to be built at 3919 Lorain Ave., Chambers and other activists told company officials, "We don't think this neighborhood can support another store and we don't want another vacant building if it fails." The group also objected to plans to sell alcohol on the basis it would attract the wrong element.

But a sense of cooperation rather than confrontation turned the store into a showplace that hired neighborhood people.

Chambers' contributions to the Near West Side are even more impressive when one considers that diabetes limits her mobility and strength. She often works from a wheelchair, relying heavily on the telephone.

But the question remains: Can activism hold back the deterioration that continues at an alarming rate? Michael O'Brien, former president of Near West Neighbors in Action, said, "We are running as fast as we can just to stay in one place. Yet, if all the activists had not been putting an immense amount of energy into making things better . . . things would be getting worse . . . much worse."

Cleveland Councilwoman Helen Smith (D-14) said activism must not be overlooked: "They (neighborhood residents) feel that they have made an impact . . . that they are doing something about a problem. This is the first step in getting a problem solved even if it is still with us."●

CHICAGO TRIBUNE CALLS FOR PUBLIC OFFERING OF CONRAIL STOCK

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. FLORIO. Mr. Speaker, the Department of Transportation is currently engaged in efforts to return Conrail to the private sector. Unfortunately, the Department's efforts to date appear to reflect a purely political decision to sell Conrail hastily before the election.

Many experts, including the Department's own investment banker, Goldman, Sachs, have recommended that the Department seriously consider a public offering of Conrail's stock. Despite many advantages of a public offering, the Department has rejected that approach. It prefers to sell Conrail quickly.

The Chicago Tribune recently considered three options for the sale of Conrail—breaking up Conrail, sale to another railroad, or a public offering.

The Tribune concluded that a public offering makes the most sense. The editorial follows:

[From the Chicago Tribune, Mar. 22, 1984]

THE RAILROAD RENAISSANCE

The federal government is slowly moving toward resolving the final problem that remains from the financial collapse of the railroad system in the Northeast more than a decade ago.

Through a succession of federal actions during the last decade the six bankrupt Northeast carriers, including the Penn Central, were eventually merged into a single government-sponsored railroad called the Consolidated Rail Corporation, or more commonly, Conrail. Washington also plowed nearly $3.3 billion into Conrail to enable it to correct years of neglect of its tracks and equipment and loosened the labyrinth of regulatory restraints that had contributed to the original collapse.

A rebuilt, financially healthy Conrail is now emerging from the federal cocoon, and the major question is what to do with it.

The Northeast Rail Service Act of 1981 requires that the federal government dispose of its 85 percent common stock interest in Conrail. The Reagan administration has considered a number of options, like breaking up Conrail and selling its pieces to other railroads, the sale of the entire railroad to another corporation or the sale of the government's Conrail stock to the public.

The last option makes the most sense.

There is simply no way to break up Conrail for sale to other railroads. Conrail has two principal east-west lines to split among the other five major railroads in the nation.

The sale by the government of its Conrail stock to the public simply returns Conrail as it now exists to the private sector without favoring or discriminating against the rest of the industry. That option would also ensure that the Northeast would have a railroad oriented to its special transportation needs and problems.

The time may come when the nation needs a truly transcontinental railroad stretching from New York to California, but the government should not force that decision before its time has come.●

THE LATE HONORABLE CLARENCE MITCHELL, JR.

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BOLAND. Mr. Speaker, I want to join with my colleagues in paying tribute to Clarence Mitchell, Jr., whose untimely death was a great loss to our Nation.

No one who has served in this body during the last three decades could have failed to know Clarence Mitchell, either personally or by reputation. His dedication to the advancement of civil rights and his relentless quest to improve the quality of life in America is without parallel.

He was a familiar figure in the Halls of Congress, working both sides of the aisle on behalf of legislation that was intended to make ours a more just society. His work won him many awards, including the Presidential Medal of Freedom, but I think it is fair to say that his memory will be most appropriately remembered through the landmark civil rights legislation he helped to craft: the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Clarence Mitchell was a man who dreamed great dreams and a man who knew that those dreams would not become a reality without hard work and dedication. He labored on behalf of the dream of equal opportunity at a time when such labor was difficult and thankless, and progress was slow. In large part because of Clarence Mitchell's courage and commitment, however, we have, over the last 30 years, taken steps as a nation on the path toward equal justice.

Clarence Mitchell's dream has not yet been fully realized, but we are closer to it today because he lived and worked among us. His passing leaves us saddened because there is much yet to do, but his life remains as a beacon to guide us toward the goal of full equality for all Americans.

I want to extend my sincere condolences to the distinguished Mitchell family, to Clarence's wife, sons, and grandchildren, and to his brother, our colleague, Congressman PARREN MITCHELL. Although Clarence Mitchell's life has ended, his memory and spirit will endure.●

HELP EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the following editorial from the New York Post, written by Max Singer, I believe articulately and clearly expresses the views of many interested in providing El Salvador with sufficient assistance in order to insure a fair and safe election. I highly recommend this editorial to all of my colleagues.

The article follows:

WHY WE MUST HELP EL SALVADOR NOW

The Pentagon has told Congress that the Salvadoran army will collapse unless that country gets $95 million in emergency aid from the U.S. President Reagan's request for that assistance goes before the Senate Appropriations Committee today, Ed.

While the countries of Central America are still poor, and have unequal income distributions, the primary cause of the current conflict is not economic, social, or political injustice.

The current conflict results from an attempt by small groups of ideological extremists to take power—from successful prodemocratic revolutions.

In the years between 1960 and the revolutions of 1979, average incomes in Nicaragua and El Salvador had been growing at about 2 percent a year (the same rate U.S. incomes grew during our advance from poverty in the 1800s).

Infant mortality had been declining fast (down almost one half in El Salvador and over one-third in Nicaragua).

Health had been improving rapidly (life expectancy up 12 years in El Salvador and 9 years in Nicaragua).

The proportion of children in school was going up (to over 26 percent in secondary school in both El Salvador and Nicaragua—compared to only 13 percent and 7 percent in 1960).

In 1979, this social progress was jolted by political programs with the ending of dictatorships or military governments in El Salvador and Nicargua, as well as in Honduras (which had also seen substantial social and economic progress).

It was after these two decades of progress that the current counter-revolutionary conflict began with Sandinista seizure of power in 1979 (not from Somoza, but from the Sandinistas"; allies in the revolution against Somoza) and the formation in 1980 of a guerrilla army to attack the revolutionary governing Junta (JRG) in El Salvador.

The extremists needed to prevent the success of the moderate revolutions for social justice that had been made by groups committed to democracy.

The extremists against whom the U.S. is fighting are not driven by the need to achieve social progress. They are fighting for sectarian power (although they know that their fight for power sets back social progress).

They do not represent the people. Since their actions came after the real revolution, they came too late to be "historically inevitable."

They have been effective, not because of their popularity or the justice of their cause, but because they have massive and expert help from outside. (Cuba has more than 10 times as many people in Nicaragua as we have in El Salvador).

Other countries where the poverty and injustice is worse, and progress slower or not yet really begun, do not have such a violent conflict.

Therefore, while it is undoubtedly true that poverty is a significant fact in Central America, it is not what has produced or what sustains the current crisis and war.

Working against poverty and injustice, while it is desirable, is not a useful way to deal with the current violent conflict. The opposite approach is more realistic.

Instead of solving the conflict by dealing with injustice, it is necessary to deal with injustice by solving the conflict.

The necessary first step to substantial economic, social, or human rights progress in El Salvador is to end the war.

Since the "hearts and minds" of the great majority of the people have already rejected the guerrillas—despite the crimes of some government supporters and army officers—the only way to end the war in El Salvador is to defeat the guerrillas.

The guerrillas must be defeated because they are murderous, unpopular, present no just claim, and cannot be satisfied except with complete power.

When the guerrillas have been defeated, the great share of the killings in El Salvador will end automatically, and the government will be able to turn all its efforts to surpressing the small forces of the extreme right who have been able to operate under the cover of the war against the guerrillas.

There is much experience to indicate that those who don't try to gain a victory for the

democratic side, who sit on the fence or devote their efforts to seeking a non-existent "middle way," will turn out to have helped bring about an extension of totalitarianism and a defeat for human rights.

Idealistic Americans should be urging our government much more strongly to support the democratic side in the life-or-death struggle for human rights in Central America.

A victory for the other side is likely in a few years to bring human rights in Central America to as low a level as human rights in Eastern Europe.●

THE LAW AND EDWARD MEESE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mrs. SCHROEDER. Mr. Speaker, Prof. Stephen Gillers of the New York University School of Law and 41 of his colleagues at various law schools sent a memorandum of law of Senator STROM THURMOND, chairman of the Senate Judiciary Committee, on March 21, 1984. This memorandum points out that "on facts similar to those that have transpired at the Meese hearings, Grand Juries have indicted, trial juries have convicted, and Federal judges have incarcerated other Government employees." So that my colleagues have an opportunity to review this material, I will place it in the RECORD over the next week. Today, I will place in the RECORD the cover letter to Senator THURMOND and the statement of facts from the memorandum:

NEW YORK UNIVERSITY,
SCHOOL OF LAW,
New York, N.Y., March 21, 1984.

Hon. STROM THURMOND,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: In connection with the nomination of Edwin Meese to be Attorney General of the United States, I am enclosing a copy of a memorandum, dated March 15, 1984, and signed by 42 American law professors. As the memorandum concludes:

The record so far raises serious questions about Edwin Meese's criminal and civil liability in connection with the loans and gifts to, or for the benefit of, himself and his family. On facts similar to those that have transpired at the Meese hearings, Grand Juries have indicted, trial juries have convicted, and federal judges have incarcerated other government employees. The Senate, its Judiciary Committee, and the American people deserve a fully developed record clearly establishing that there is no probable cause to suspect Mr. Meese of committing a federal crime or violating a federal civil law or rule. If Mr. Meese is confirmed on an inadequate record and new facts then come to light requiring further inquiry, the disruption in the administration of justice will be severe and intolerable.

We hope the enclosed legal analysis is helpful to the Committee in connection with its constitutional task.

Sincerely yours,

STEPHEN GILLERS,
Professor of Law.

Signatories of Memorandum dated March 15, 1984, concerning the Nomination of Edwin Meese to be Attorney General of the United States (school affiliation for purposes of identification only):

Terence J. Anderson, University of Miami Law School.
E. Clinton Bamberger, University of Maryland Law School.
Elizabeth Bartholet, Harvard University Law School.
Paul Bender, University of Pennsylvania Law School.
William Brown, University of Pittsburgh Law School.
Victor Brudney, Harvard University Law School.
John M. Burkoff, University of Pittsburgh Law School.
Robert S. Catz, University of Miami Law School.
Oscar Chase, New York University Law School.
Leroy Clark, University of Maryland Law School.
Carl G. Cooper, University of Pittsburgh Law School.
Vern Countryman, Harvard University Law School.
Clare Dalton, Harvard University Law School.
Richard H. Fallon, Jr., Harvard University Law School.
Lawrence A. Frolik, University of Pittsburgh Law School.
Stephen Gillers, New York University Law School.
Carole E. Goldberg-Ambrose, University of California, Los Angeles, School of Law.
Robert Berkley Harper, University of Pittsburgh Law School.
Duncan M. Kennedy, Harvard University Law School.
Andria S. Knapp, University of Pittsburgh Law School.
Lewis Kornhauser, New York University Law School.
Sylvia Law, New York University Law School.
Sanford Levinson, University of Texas Law School.
Jules Lobel, University of Pittsburgh Law School.
Gerald P. Lopez, University of California, Los Angeles, School of Law.
Louis Loss, Harvard University Law School.
Dennis O. Lynch, University of Miami Law School.
Alan Meisel, University of Pittsburgh Law School.
Jennifer Parrish, University of Pittsburgh Law School.
Richard D. Parker, Harvard University Law School.
Steven Reiss, New York University Law School.
Rhonda Rivera, Ohio State University Law School.
Rand E. Rosenblatt, Rutgers University, Camden, School of Law.
Albert M. Sacks, Harvard University Law School.
Pamela Samuelson, University of Pittsburgh Law School.
Lewis D. Sargentich, Harvard University Law School.
Robert Sedler, Wayne State University Law School.
Ralph Spritzer, University of Pennsylvania Law School.
Irwin P. Stotzky, University of Miami Law School.
Daniel Tarullo, Harvard University Law School.
John E. Vogel, University of Pittsburgh Law School.
Bruce J. Winick, University of Miami Law School.

MEMORANDUM

Re Federal criminal and civil sanctions applicable to activities of Edwin Meese.
Date: March 15, 1984.

This memorandum will first address the federal criminal statutes that are implicated by Edwin Meese's possible role in securing administration positions for those who have helped to assuage his personal financial crises. It will also address Executive Order No. 11222, Standards of ethical conduct for government officers and employees, which supports the expansive interpretation by both the legislature and the judiciary of the federal bribery and conflict of interest statutes that are relevant here. As set forth more fully below, the connection between Meese's governmental and personal interests was repeatedly suggested at the confirmation hearings held during the week of March 5th on Meese's suitability for the position of Attorney General.

Part Two of this memo comprises a discussion of the Executive Personnel Financial Requirements as they apply to Meese's failure to report an approximately $15,000 interest-free loan provided by a family friend to Meese's wife, as well as his failure to disclose a "gift" in the form of forbearance on interest due from another loan provided by his personal accountant.

One notable aspect of the prohibitions discussed below is that few have been applied to defendants who even approach Meese's stature as a public official. None of the federal criminal statutes have been applied to defendants who are high-ranking officials in the Executive Department. This appearance of unequal or selective prosecution in the application of the federal prohibitions against conflict of interest should infuse the arguments for a more extensive investigation of Meese's activities with a special urgency. The appearance of leniency by the Justice Department toward high-ranking public officials is especially questionable when the public official concerned is also the nominee for the country's chief law enforcement officer.

SUMMARY OF CONCLUSION

The record so far raises serious questions about Edwin Meese's criminal and civil liability in connection with the loans and gifts to, or for the benefit of, himself and his family. On facts similar to those that have transpired at the Meese hearings, Grand Juries have indicated, trial juries have convicted, and federal judges have incarcerated other government employees. The Senate, its Judiciary Committee, and the American people deserve a fully developed record clearly establishing that there is no probable cause to suspect Mr. Meese of committing a federal crime or violating a federal civil law or rule. If Mr. Meese is confirmed on an inadequate record and new facts then come to light requring further inquiry, the disruption in the administration of justice will be severe and intolerable.

I. FEDERAL CRIMINAL PROHIBITIONS APPLICABLE TO ACTIVITIES OF EDWIN MEESE

Facts: During the week of March 5, 1984, the Senate Committee's concern with Meese's financial embarassments focused on this involvement in personal financial transactions with persons who later received Reagan Administration appointments.

The Senate Committee scrutinized with particular care the connection between the financing of the sale of Meese's home in California and the subsequent appointment to Administration positions of three of the financiers. The California house had been on the market for 20 months, causing Meese to incur debts of nearly half a million dollars and to fall 15 months behind on several mortgages and loan debts, including a four-month delinquency on the mortgage for Meese's house in Virginia. Meese testified that friends began to assist in the search for a buyer in August, 1982. More specifically, Thomas J. Barrack, a California real estate developer, not only found a buyer and arranged for bank financing, but also lent a friend $70,000 to be used as a down payment on the $307,500 home. Further, Barrack testified that he later forgave the loan, thus effectively contributing $70,000 to Meese's proceeds from the sale. Barrack also acknowledged that he discussed a position with the Reagan Administration two weeks after arranging the sale of Meese's house. Three months later, Barrack was appointed to serve as the assistant secretary of the Interior. See The Washington Post, March 3, 1984, A1, March 4, A22, March 6, A3; The New York Times, March 3, 1984, A2, March 4, D2, March 7, A17.

The sale of the house was financed by Great American Federal Savings and Loan, which had continued to lend Meese money even after he had incurred more than $400,000 in debt and had fallen 15 months behind in loan payments. Moreover, the purchase was financed at 11 percent interest at a time when the prime interest rate was 14 percent. Gordon Luce, chairman of the bank and former head of the California Republican Party, was named an alternate delegate to the United Nations. Edwin Gray, a senior vice president of the bank, was named chairman of the Federal Home Loan Bank Board by Reagan. WP, NYT, supra.

Meese testified that he did not know how Barrack financed the purchase and he was not instrumental in arranging the positions. But Senator Metzenbaum confronted Meese with handwritten notes, taken in an August, 1982 conversation between Meese and Barrack, in which Barrack outlined the deal and Meese indicated that he wanted an approach that "avoids publicity", "filters one level" of the transaction, and makes it an "arms length" deal. NYT, March 3, A2.

Meese's contention that he was not involved in the appointment of those who have assuaged his financial woes was undercut by John McKean, Meese's personal accountant, who had testified at his own confirmation hearings that his appointment to the board of governors of the United States Postal Service was recommended by Meese and Deaver. At the Senate hearings on Meese's nomination, McKean acknowledged he had not disclosed at his confirmation hearings that he had arranged approximately $60,000 in loans for Meese just one month prior to his nomination. McKean had also failed to reveal—and Meese failed to report on his Executive financial statement, infra at II—his forbearance on interest due from Meese on the loan during the time he was being considered for the post office appointment. NYT, March 7, A17.●

STAR WARS AND COSTLY MIRAGES

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. MOODY. Mr. Speaker, two recent decisions by the Reagan administration have brought the specter of nuclear weapons in space closer to realization.

In late February, the administration announced it would not negotiate an agreement with the Soviet Union to prevent the deployment of nuclear weapons in space. President Reagan stated that such an agreement was meaningless because it could not be verified. Not only is this statement inaccurate, it shows that the administration will not take the initiative to insure the future safety of world civilization.

In March, the administration announced the appointment of Lt. Gen. James Abrahamson to direct the strategic defense initiative. It is not coincidental that, as NASA Associate Administrator, General Abrahamson has been in charge of the space shuttle project. I find it disturbing that a major purpose of our NASA program is now to assist in the arming of the last nuclear-free zone.

Several of my longstanding concerns are echoed in an editorial published in the Milwaukee Journal on November 1, 1983. I have included this editorial with my statement in the hope that we may all understand the ramifications of nuclear weapons in space.

[From the Milwaukee Journal, Nov. 1, 1983]

STAR WARS AND COSTLY MIRAGES

The Pentagon has come up with a new proposal to build space-based weapons and other methods to intercept attacking nuclear ballistic missiles. The scheme would be merely goofy, like a Rube Goldberg contraption, were it not so futile, expensive and dangerous.

The proposal, recently forwarded to the White House, was the work of a committee headed by Defense Secretary Casper Weinberger and National Security Adviser William Clark. The system would use lasers and other technologies and cost $18 billion to $27 billion over the next five years.

Admittedly, it has a superficial appeal. The case was stated by President Reagan in his "Star Wars" speech last March 23, in which he called on scientists "to give us the means of rendering . . . nuclear weapons impotent and obsolete."

It would be wonderful if this country and the Soviet Union could devise ways to protect themselves from each other. It would allow each side, and the world to breathe much easier.

The problem is, any anti-missile system would have to be 100 percent perfect. Not 99 percent, but 100 percent. The reason is that each of the warheads in the arsenals of the superpowers packs a wallop powerful enough to wreck a city. If the umbrella leaked—even a drop—millions could die.

A perfect defense against nuclear attack would be worth at least $18 billion to $27 billion. But, since perfection this side of heaven is impossible, the money would be wasted. In short, the system would be a futile expense.

Embarking on development of such an anti-missile system also would be dangerous, because it might tempt one side to attack the other quickly, before the adversary had a chance to erect the protective umbrella. Almost certainly it would encourage the two sides to seek new weapons that could penetrate the defense of the other. Thus, the arms race would be energized, not reversed.

Years ago, the two superpowers realized that they could protect themselves only by threatening would-be attackers with certain and devastating reprisals. To increase the deterrent effect, the US and the Soviet Union agreed, in the Anti-Ballistic Missile Treaty of 1972, "not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based."

Any significant ABM system would probably require violation or renegotiation of that treaty, an act that in turn might lead to the unraveling of the entire fabric of arms control agreements.

To be sure, the idea of protecting world peace by threatening world war is ironic, distasteful and maybe even a little crazy. But it's not as bad as chasing a mirage. And a mirage is what a missile-defense system really is.●

A TRIBUTE TO CHARLES W. HOLMES

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. LEATH of Texas. Mr. Speaker, it saddens me to report the untimely death of a trusted and loyal friend and confidant, a man who exhibited the perfect combination of integrity, humility, and pure commonsense throughout his professional career. Charles Holmes, 52, died of cardiac arrest March 27 at George Washington University Hospital following emergency open heart surgery. Charlie had served as my administrative assistant and press secretary since 1979.

Active over the years in House and Senate organizations of press and administrative aides, Charlie Holmes was a well-respected figure on Capitol Hill. A professional in every sense, Charlie was one of those rare individuals who settled for nothing short of excellence and whose efforts and distinguished career will continue to inspire those of us who worked with him.

Born in Michigan, he moved with his familiy at age 3 to McAllen, Tex. He earned degrees from Texas A&I and Penn State and was a lieutenant in the Air Force during the Korean conflict and post-conflict.

From 1957 to 1966, Charlie wrote sports and news articles for the Dallas Times Herald and covered the Dallas Cowboys when the team was organized. He was an editorial writer for the San Diego Evening Tribune before moving to Washington in 1969 as press aide to former U.S. Senator Ralph Yarborough of Texas.

From 1971 to 1975, Charlie was an aide to former Houston Representative Bob Eckhardt. In 1976, he became press secretary for the election campaign of U.S. Senator JIM SASSER of Tennessee. He managed my campaigns for the U.S. House in 1977 and 1978.

Our prayers go out to Charlie's family who, only 11 days prior, learned of the death of Charlie's brother, Bill, of Waco, Tex. We pray that his two sons, Eric Thomas, of West Point, N.Y., and Charles W., Jr., of Austin, Tex.; his daughter, Jane Ariel of McAllen, Tex.; and his sister, Virginia Polfus, of Mercedes, Tex., will be given strength to accept and strength to endure.

Recently, I read of a reference to the planet Earth as "a medium-size planet attached to an ordinary star at the edge of a run-of-the-mill galaxy." On first thought, that seems pretty accurate.

But when you take into account the caretakers of this satellite we call home—the people—then significance begins to take shape.

Then, you consider the individuals who rise above the crowd—people like Charlie Holmes. They are the ones who do not wait on direction, or mandate, or law but, instead, act on need and a spirit of brotherhood.

It is because of these individuals that this planet is more than significant—it is impressive.

Charlie Holmes will be greatly missed.●

FAMILY TRIBUTE TO CHARLES LEE HOUSER, 1933-83

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. McCAIN. Mr. Speaker, I would like to take a moment to bring to my colleagues attention to a very tragic accident which occurred last December.

Charles Houser, Congressional Affairs Officer for the Bureau of Land Management, was injured in a helicopter crash while looking at some of the wilderness areas proposed in H.R. 4707. He later died on December 31, 1983, as a result of the accident.

We all respected Charlie for his knowledge and professionalism. He was also one of the warmest and most personable people I have ever known. We miss him and deeply regret that his death was in some ways caused by our push to enact an Arizona wilderness bill this year.

The following is the family's tribute to Charlie which I believe should be entered in the RECORD at this point.

Charlie Lee Houser, the fifth of six children, was born September 22, 1933 to Alice Moss Houser and the late Robert Lee Houser in Prattville, Alabama. After sustaining injuries in a helicopter accident in Arizona on December 8, 1983, he departed this life at the Washington Hospital Center on December 31, 1983.

He was an active and supportive member of the St. Martin's Catholic Church and enjoyed working with the St. Vincent de Paul Society, a society that dedicated themselves in helping the needy of Washington, D.C.

He attended public schools in Alabama and graduated with honors from Alabama State College in 1961. He enhanced his career by enrolling in courses at George Washington University and the Graduate School of Agriculture. He was also affiliated with and held office in the Alabama State Alumni Association which he enjoyed and worked with dedication and enthusiasm.

Charlie enlisted in the U.S. Marine Corps from 1953-57, serving in Okinawa, Thailand, Formosa, the Philippines and Japan. He still held the Corps dear to his heart and believed that when you "looked on heaven scenes the streets would be guarded by the United States Marines."

Charlie came to Washington, D.C. in 1962 to fulfill his ambition and use his talents. Although a newcomer to this area, he learned the "ropes" quickly. He first lived with a Baptist cousin who introduced him to the girl who subsequently became his wife. Lionella (nee Stuckey) and Charlie were joined in Holy Matrimony at St. Martins Catholic Church in 1964. From this union a loving daughter, Karen Linnea was born January 15, 1969.

Charlie's personal attributes benefitted him not only in his business and professional areas, but his warm, good natured attitude, coupled with his reputation of confidence, dedication and cooperative assistance extended to his home life as well. As a husband, Charlie's success as a loving, dependable, strong person are traits to which his wife can attest. She likes to believe his easy-going nature is an answer to her prayer for a mate that could "get along with" her personality. Fond memories of her life with him will help her sustain his loss.

Charles, without a doubt, was his daughter Karen's "favorite Dad." He was her chauffeur, basketball rooter, TV game viewer, church accompanist, her bank, seafood provider, lecturer, bikeriding and swimming partner, phone screener and all the things that go along with a good dad.

Charles liked quartet singing, fishing, hunting, baseball and swimming and riding through the South to visit his home place in Prattville to farm, relax and tan. It was there that he really enjoyed his family—particularly his loving mother, his brother Mack, sister Earlene and then on to Birmingham to visit his other sister, Frances, and brothers, Will and Buddy.

Charles was an ambitious young man who knew that if he got an opportunity he could prove himself. He started his career as a mail clerk with the General Service Administration and gave his all to this job. He later transferred to the Department of Interior where he was employed for over 20 years. He held positions as Procurement Assistant, Cooperative Relations Specialist, Chief of Branch of Office Services and at the time of his death was Congressional Liaison Officer, Bureau of Land Management, Department of the Interior. He enjoyed his work and took great pride in doing the best job he could. His assistance in the Department as congressional informational programs and inquiries, and briefing preparations has earned him numerous Letters of Commendations, Outstanding Awards and most of all, the respect of his colleagues and members of Congress.

We all loved Charlie and will miss him greatly, but God's perfect will has been carried out. "The blessing of the Lord it maketh rich, and he addeth no sorrow with it."

He leaves to cherish his memory a loving and devoted wife, Mrs. Lionella Stuckey Houser; one daughter, Karen Linnea; his mother, Mrs. Alice Houser of Prattville, Alabama; two sisters, Mrs. Frances Busby and Mrs. Earlene Brown; three brothers, Mr. Mack Morris Houser, Mr. William Houser, and Mr. Louis Houser, all of Alabama; a devoted cousin, Mrs. Lena Fletcher of Washington, D.C.; father-in-law, Mr. Luther Stuckey of Indian Head, Maryland; four sisters-in-law; five brothers-in-law; a host of relatives and many, many friends.●

A TRIBUTE TO DR. BENJAMIN MAYS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. GARCIA. Mr. Speaker, great men die, but their legacies live forever. It is with great sorrow that I acknowledge the death of one of the greatest black Americans of the 20th century—Dr. Benjamin E. Mays. Fortunately, I am heartened to know that his legacy and teachings will live for generations to come.

Born in Epworth, S.C., in 1894, Dr. Mays received a B.A. degree from Bates College, Lewiston, Maine, in 1920 and an M.A. degree (1925) and Ph. D. degree (1935) from the University of Chicago. Dr. Mays held teaching positions at Moorehouse College and South Carolina State College from 1920 to 1926. He served as dean of the school of religion at Howard University from 1934 to 1940 and as president of Moorehouse College from 1940 to 1968. Dr. Mays also served on the Atlanta Board of Education and as its chairman from 1970 to 1981.

As an educator, administrator, and spiritual leader, Dr. Mays shaped the minds of many of our Nation's black leaders, most notable: Dr. Martin Luther King Jr., Mayor Andrew Young of Atlanta, and Georgia State Senator Julian Bond.

As one who shied from the limelight and publicity, Dr. Mays was one of the more influential strategist of the civil rights movement. A man gifted with immense patience and unyielding for-

titude, Dr. Mays always stressed, "Making Friends of One's Enemies."

As the recipient of countless awards and honors, Dr. Mays also authored seven books including, "Born to Rebel," a study which covers 75 years of black-white relations in the United States. He served on the boards of several colleges and universities as well as the Martin Luther King Center for Social Change.

America will miss the likes of this great man. However, again, I am confident that his legacy will live through the countless lives that he has touched.●

A DYNAMIC LEADER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Ms. OAKAR. Mr. Speaker, our Nation's and region's future depends on dynamic leadership in areas related to employment and training. The following is an article which demonstrates a dynamic leader.

CCC CHIEF HAS HIGH HOPES FOR JOB CENTER

(By John Leo Koshar)

Nolen M. Ellison, president of Cuyahoga Community College, spent a year working with a national task force of the American Association of Community and Junior Colleges (AACJC) on how to put America back to work.

"Now that program is coming to fruition here in line with Gov. (Richard F.) Celeste's plan for strategic planning to develop jobs," Ellison said in an interview recently.

Ellison was referring to Celeste's announcement earlier this month of the release of $8.5 million to build a Unified Technologies Center on the CCC Metro Campus.

Ground breaking is scheduled for June and Ellison said it could be fully operational by fall 1986.

Previous announcements have indicated the center will have the capacity to train or retrain 1,400 people annually in high growth industries and for changing technologies.

"We will work with business and industry to define and describe what kind of training and retraining they think they will need to obtain employment," he said.

That, he indicated, will determine the size of the student body.

"An advisory committee of industry people will help shape the curriculum," he said. "They will advise what kind of program is needed for training and retraining. We will work directly with business and industry. That will be the strength of this program and will make it unique."

He said that 39 of the top corporate chief executives that are part of the Cleveland Tomorrow campaign are working with the college to develop a technical training program that relates to state-of-the -art manufacturing opportunities.

"The keynote of the center will be flexibility and responsiveness to the needs of business and industry," said Ellison. "The object is to bring about a strong match between the needs of business and industry and the people we will turn out."

Ellison said college officials also are talking to Ford Motor Co., which operates a program of training people that might come back to the company in computer technology and other skills and to equip those people Ford cannot keep with skills for jobs elsewhere.

He said Dr. Ron Zambetti, provost of the Urban Metropolitan Development Institute, visited Ford's training facility in Nashville, Tenn., recently to help determine how to organize the CCC center. The institute is the outreach arm of CCC responsible for development of the center.

CCC also is working with Technicare Corp. to develop tailor-made courses designed for its specific occupational needs, such as in computer repair and other areas.

Ellison said it is very difficult to guarantee 100% job placement for the center's trainees. He emphasized that ". . . we are going to try to close the gap between training and placement and make that gap as narrow as possible because the people who will be trained or retrained need to feel they are being trained for jobs that exist and not just to be trained as an end in itself."

He said the center would contain a resource support system for small businesses that should have a tremendous impact on this group.

The business community will be involved not only in helping to develop the curriculum but in selecting the chief executive officer for the center and its staff, said Ellison.

"We think staffing will have some unique characteristics. We will seek some of the top people in business and industry to get skilled craftsmen brought into our teaching and training corps.

"We will look for industry-experienced people with less theory and more application."

The center will be designed to provide work-force education and training in modern, applied high technologies through hands-on use of industry-specific equipment, machinery and laboratories.

Training and retraining will be for jobs in high growth industries such as energy and instrumentation technologies and electronic and mechanical technologies.

More than 26,000 square feet of the 96,000-square-foot facility will be devoted to applied skills training for private industry.

Lecture and laboratory instruction will include energy and instrumentation technologies with courses such as solar energy, fuel cells, helium gas turbines, fusions, metrology and computerized energy monitoring.

Instruction in electronic technologies will encompass courses in microcomputer hardware, microprocessor technologies, satellites, video discs, videotex, optical fibers and laser technology.

Mechanical technologies will focus on machining in industry, especially computer-assisted manufacturing, machine maintenance and repair and tool-and-die training.

It also will include metal fabrication, welding production, plastics, electromechanical-fluidal-thermalpneumatics training and robotization in manufacturing allied health applications.

Trainees will have full use of the Metro Campus services, such as career planning and placement.

"We will not necessarily link their (the students) training to college degrees, but we hope to be able to link credit and noncredit opportunities," Ellison said.

He said the center would be run on a 12-month program basis and he hopes that contracts with businesses and industries will help pay for the larger part of the tuitions.

Class scheduling specifications call for offering four different options: accelerated full-time (eight hours per day, three days per week); regular full-time (four hours per day, five days per week); limited full-time (eight hours per day, two days per week); part-time (three hours per evening, four evenings per week).●

TRIBUTE TO "UNIONIST OF THE YEAR": JOHN BIGELOW

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. STARK. Mr. Speaker, on March 30th, the Central Labor Council of Alameda County, AFL-CIO, honored John Bigelow as "Unionist of the Year."

Mr. Bigelow is being recognized for his untiring efforts on behalf of the labor movement and for his many civic contributions.

In 1939, John Bigelow joined his first union, local 1114, which is now the Amalgamated Transit Union, while working for Greyhound bus lines. He left there to join the United Brotherhood of Carpenters and Joiners Local 2116 in 1941. Transferring from that local to Carpenters 554, he worked in the shipyards until August 1943, when he joined the merchant marine. He sailed first as a marine cook and steward, then as a member of the SUP on six ships. On four of them, he was ship's delegate for the deck gang (shop steward).

When he left the sea in January 1946, John went to work for the American Can Co., where he joined the United Steel Workers Union, Local 1798. He was vice president of that union from 1947-49. When the Steelworkers issued a new charter for the American Can plant, Bigelow became a charter member of that local and served as its chief steward for 12 years.

When John Bigelow joined the Ashland fire department in 1961, there were no organized firefighters south or east of San Leandro. Shortly after his arrival, he helped organize and get a charter from the International Association of Firefighters. He was the local's first president and served 8 years in that capacity. On retiring in 1977, he was honored by receiving the first lifetime membership ever awarded by that membership. John's leadership in organizing the firefighters in Ashland not only provided benefits to his fellow employees, but he was instrumental in establishing charters in many other surrounding cities in Alameda County.

Very early in his union activity, John recognized the importance of labor councils. He was a delegate to the CIO Council from 1946 until the merger of the two councils, becoming

a charter member of the present Central Labor Council of Alameda County AFL-CIO, serving as a delegate until the present.

Mr. Speaker, I have given you an outline of the involvement that John Bigelow has had with the labor movement. But think of what that outline implies. John has put in unending hours of devotion and hard work, after a full day on the job, trying to better the lot of the workingman. I think that he has a record to be proud of.

I join John Bigelow's friends in expressing appreciation for his dedication and hard work in the labor movement. John's loyalty to his friends and his activities on behalf of COPE will be long remembered.●

SOUTH AFRICA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the following op-ed piece by long-time member of the liberal opposition party in South Africa, Helen Suzman, I believe accurately assesses U.S. efforts toward achieving our stated policy goal in South Africa—the nonviolent change of that Government from active support of apartheid to democracy and political freedom.

Ms. Suzman is a leading spokesperson for her party in the South African Parliament, and I recommend that my colleagues read it.

[From the Washington Post, Mar. 29, 1984]

WHAT CAN AMERICA DO?

SOME PRACTICAL SUGGESTIONS FOR DEALING WITH SOUTH AFRICA

CAPE TOWN.—The question I am most frequently asked when I visit the United States is, "What can America do about South Africa?" The answer depends on the motivation that prompted it—whether it was based on moral, punitive or reform aims.

Superpatriots, who abound in South Africa, have no problem in replying to the question, of course. Their answer is that the United States should mind its own business; that is has no right to interfere in South Africa's domestic affairs; that there are double standards, since many countries practice policies much more oppressive than those in South Africa yet escape the strong condemnation meted out to South Africa.

True enough. But a country that claims to have the values of Western democracy must expect to be judged by these criteria. Moreover, the unique brand of race discrimination entrenched in law in South Africa is a convincing justification for double standards. Of course, self-interest, such as U.S. trade with black Africa and the reactions of the black constituency at home, as well as genuine concern for human rights, motivates politicians and others in the United States in their attitudes to South Africa: opposing apartheid provides one of these rare occurences in politics where expediency coincides with a just cause.

There is a simple course of action that advocates disengagement from any form of association with South Africa—be it in trade, investment, academe, the arts or sport—the "clean hands doctrine." This relieves the conscience, but it also dilutes any influence over future events.

Punitive actions can sometimes be counterproductive, such as the mandatory arms embargo imposed on South Africa by the U.N. Security Council in 1977, which led to South Africa's developing a highly efficient arms industry.

In one instance certainly, however, punitive action has resulted in a fundamental change in policy in South Africa. The total ban from all international sports forced South Africa to desegregate sports, not only on the field but also in clubs and facilities for spectators. And to the intense bitterness of white South Africans, there has been no letup of the sports boycott. The ante has been upped.

Where the demands were originally confined to the removal of apartheid in sports itself—that is, to "normalize" sports—they have been systematically extended to demanding the removal of race discrimination in its entirety, under the slogan "no normal sport in an abnormal society." The Gleneagles Commonwealth agreement prohibiting sport with South Africa remains in force. South Africa's flag will not fly at the Los Angeles Olympics.

The carrot or the stick? Both have been tried by U.S. administrations. The Carter regime used the stick—with minimal results. The Reagan administration is trying the carrot, otherwise known as "constructive engagement," until recently without conspicuous success. At long last, the major prize, an internationally acceptable settlement of the Namibian issue, now seems less elusive. And the U.S. role as honest broker must have played a part in the peace move taking place between South Africa and Angola and South Africa and Mozambique.

"Quiet diplomacy," however, has not deterred Pretoria from its grand apartheid policy. Outside the State Department, other efforts are being mounted in the United States to impel change in South Africa. The divestment campaign has heated up. Several state and city legislatures have adopted or are considering measures to force divestment of U.S. companies conducting business in or with South Africa, either by prohibiting investment of their pension funds or selling their stocks in such companies. But unless such a campaign can be successfully conducted on a universal scale, which is highly unlikely, it is of symbolic significance only.

The recent amendments to the Export Administration Act were passed by Congress in October 1983, if approved by the House-Senate conference, could be more damaging. If reform is the objective it is not likely to be effective, however. Solarz is reported to have stated that his objective was "to send a strong signal" to the regime in Pretoria. Chances are that the signal will be received with the well-known acknowledgment: "Roger—and out."

The truth is that the capacity of the United States to influence change in South Africa is limited. And this has to be accepted if reform is the objective of those who pose the question, "What can the United States do about South Africa?"

The changes that have taken place in South Africa cannot be attributed either to the carrot or the stick, although international pressures do play a part in accelerating the process. The determining factor has been—and, I am convinced, will continue to be—economic pressure from within South Africa—the steady upward movement into skilled occupations by blacks, eventually giving blacks the muscle with which to make demands for shifts in power and privilege, backed up by the force of black urbanization, which continues inexorably despite government action to stem it.

These are the factors that have induced Pretoria to vote more money for black education and training, to repeal the law that reserved skilled industrial jobs for whites. These are the factors that have forced the South African government to recognize black trade unions and the permanency of blacks in the cities. And although blacks in South Africa react with enthusiasm to all suggestions of punitive action against South Africa, including divestment (which some support because they identify capitalism with apartheid and want the whole system brought down), in fact, if black economic advancement is inadvertently retarded thereby, they will be the ultimate losers.

Despite the limitations that exist, I believe that America has a role to play in South Africa. The United States should certainly make known in no uncertain fashion its disapproval of the more repulsive aspects of apartheid—the forced removal of blacks into poverty-stricken rural areas, pass-law arrests and the more glaring abrogations of civil rights—detention without trial, and banning. It is unthinkable that the most powerful democracy in the world, whose fundamental values are based on the protection of human rights, should abdicate its responsibility in this regard.

And the U.S government should use leverage wherever possible to lend weight to the hope it expressed after the recent referendum in South Africa that the mandate received by the government would be used "to address the problem of the political rights of South Africa's black majority."●

THE TAXATION OF REPRESENTATION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. DOWNEY of New York. Mr. Speaker, the following is a summary of my 1983 Federal income tax return.

I offer it in enthusiastic support of my principle of full and open disclosure of all financial dealings by elected officeholders and high ranking appointees.

Supporting documents are available for further examination in my office.

Summary of 1983 tax return data

Salary—U.S. House of Representatives	$69,369
Interest income	78
State and local tax refunds	364
Rental loss	−1,055
Business income:	
Honorariums (net of expenses).	20,940
Publishing fees	225
Total income	89,921
Less:	
Nonreimbursed employee business expenses	3,275
Payments to IRA	2,250

Payments to Keogh retirement plan	3,175
Adjusted gross income	81,221
Itemized deductions:	
Taxes	8,914
Interest expense	2,375
Contributions	705
Miscellaneous deductions	1,618
Total itemized deductions	13,612
Less: Zero bracket amount	3,400
Excess itemized deductions	10,212
Tax table income	71,009
Less: Personal exemptions	4,000
1983 taxable income	67,009
Federal income tax	20,911
New York State income tax	6,090
California income tax	304
Illinois income tax	57
New Jersey income tax	38●

SOCIAL SECURITY REVIEW PROCEDURES

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. LUNDINE. Mr. Speaker, the bureaucratic nightmare caused by the Social Security Administration's overzealous tightening of eligibility review procedures for social security disability insurance has been well documented in the testimony of scores of witnesses, including those disabled by various illnesses and those who serve their needs through State, county, and local helping organizations.

The passage of the Social Security Disability Benefits Reform Act which clarifies eligibility standards and reforms the review procedures for determining continued eligibility for disability insurance is absolutely critical to redress some of the hardships caused by the Social Security Administration's strict and inflexible enforcement of review procedures.

Nevertheless, some disabled persons and their families whose insurance has been terminated will not be fortunate enough to receive the humanitarian benefits of new legislation. Such a case has recently come to light in my own congressional district, and is reported on the front page of the March 29, 1984, issue of the Buffalo Evening News. The text of the report follows:

BUREAUCRATIC COMPASSION DENIED EVEN IN DEATH

(By Douglas Turner)

WASHINGTON.—A few weeks ago Linda Clark of the small Cattaraugus County town of Hinsdale offered the ultimate proof to the Social Security Administration about her disability claim. She died at age 34 of the ailment she said all along was making her unable to work—juvenile diabetes.

In spite of that, her husband, James, laid off since last fall, was told in the past few days that he can't have a survivor's benefit to help defray her burial costs.

The reason is that the Social Security Administration is still demanding payment of $2,018 it claims it sent Mrs. Clark while she was technically ineligible for disability pay.

The Clark's situation points up an administrative nightmare created by Congress and the Carter administration, which is still being continued by the Reagan government.

A bill overwhelmingly passed Tuesday by the House is designed to liberalize and clarify procedures in the disability program administered by Social Security.

Opposed by the White House, a companion measure faces an uncertain future in the Senate.

In 1980, Congress passed a law requiring the agency to review the disability rolls to determine whether any who were receiving allowances were able to work.

Although the harsh measures the agency took to comply with the law were criticized in Congress by liberals and conservatives alike, the paring of the rolls continued unabated.

Last November, Mrs. Clark was notified that her benefits would be terminated. Under a moratorium passed by Congress earlier in the year, her benefits continued through the appeal process.

They consisted $409 a month plus Medicare coverage.

As a result of the diabetes, Mrs. Clark developed heart trouble, swelling of the limbs and progressive blindness. She was diagnosed a diabetic at age 3.

Under present law, the Social Security Administration can disallow disability if it finds that any one ailment is insufficient in itself to cause disability. The law does not require it to consider a combination of ailments that contributes to disability.

In Mrs. Clark's case, the agency followed the letter of the law.

Her denial of benefits was upheld by a state agency, by F. Lambert Haley, an administrative law judge in Buffalo, and by a Social Security appeals council here.

An aide to Rep. Stanley N. Lundine, D-Jamestown, said that because the Clarks could not afford a lawyer, they had to be represented in the Buffalo hearing by a lay advocate. The aide, Elisabeth Johnson, said new rules of the Legal Services Corporation, a federal agency, bar any of its lawyers representing a claimant before a federal agency.

Mrs. Clark had been receiving disability payments since 1979. That was about the time Mrs. Clark had to begin periodic laser treatments to stem the hemorrhaging of her retinas, the part of the eye that senses light.

She also was beginning to develop serious trouble with her kidneys.

Mr. Clark said his wife received notice of the SSA rejection of her appeal Feb. 9, and she had her first heart attack Feb. 15.

He said he believes that the denial of benefits led directly to the heart attack.

"For the last two months my wife talked suicide," he said Wednesday. "She was passing out all the time, and getting sick a lot.

"She couldn't work and wanted to do her share. And all she had to look forward to was two or three years in federal court (fighting for an appeal to overturn the ruling), and nobody knows what would have come of that."

The death certificate said Mrs. Clark died Feb. 27 of a massive heart attack, brought on by circulatory problems and kidney failure. These, in turn, the certificate said, were caused by diabetes that she had been suffering from.

The certificate said she had been ill with the circulatory and kidney problems for at least three years

An autopsy performed on Mrs. Clark was the basis of the findings outlined in the death certificate. It said her coronary arteries were severely hardened and diseased, and all four chambers of her heart were dilated.

Not long after Mrs. Clark was permanently removed from the disability rolls, John Svehn, the head of the Social Security Administration, notified her that she had 30 days to repay the government $2,018.

That was the amount the government paid her between the time it notified her she was to be dropped and the denial of her appeal.

Mr. Clark filed for a waiver of the repayment, claiming hardship. He has been on unemployment insurance benefits for 20 weeks. Social Security hasn't responded to his waiver request.

A few days ago, he went to the Olean Social Security office to apply for survivor's benefits to help pay for the $2,500 funeral for his wife. He was told he can't receive those benefits until he pays the government $2,018.

Besides the burial costs, Mr. Clark still is facing $8,000 in hospital and doctors' bills. The hearing process stripped Mrs. Clark of her Medicare benefits.

The bill passed by the House would probably have spared the Clarks the pain they experienced because of the denial of disability and the hearings that followed over the past few months. The legislation, Rep. Lundine said, would provide "that the combined effects of all impairments be considered when an individual is judged for eligibility for disability payments."

Rep. Lundine's office said the congressman would press SSA for a waiver of the $2,018 it wanted back.

About a week after Mrs. Clark died, her husband said, he received a notice from the New York State Commission for the Blind and Visually Handicapped.

The commission, not knowing what the Social Security Administration had done and that Mrs. Clark had died, certified that she was legally blind and eligible for training and other help.●

CONSTRUCTIVE ENGAGEMENT WORKS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. CHAPPELL. Mr. Speaker, the Congress has been rightfully concerned over the past few years with events in southern Africa. One of the principal foreign policy objectives of the United States has been an end to mutual interference by the nations of that area in one another's affairs.

It would appear, as described in an article in the Washington Post, Tuesday, March 20, by the columnist Joseph Kraft, that the United States has been constructively engaged in the peace process in sourthern Africa. This process will be a long one as we have seen in some other parts of the world, and the agreement signed between Mozambique and South Africa is just another step along the way. But

those of us who really want to see the journey through to a happy end should applaud this step.

Mr. Speaker, I submit the referenced article for insertion in the RECORD at this point:

[From the Washington Post, Mar. 20, 1984]

TURNING POINT IN AFRICA

(By Joseph Kraft)

Southern Africa provides the most striking foreign policy gain so far achieved in the Reagan administration. For the recent accord between Mozambique and South Africa marks a historic step toward the safe dismantling of the most explosive racial powder keg in the world.

The United States played a modest role in that accord, and it is instructive to examine just how. For success came from containing this country's favorite diplomatic itches—preaching human rights and reviling Marxist regimes.

Two turnarounds entered into the treaty signed Friday between Prime Minister P. W. Botha of South Africa and President Samora Machel of Mozambique. For a half-dozen years South Africa, under Botha, has defended its racist practices by a badneighbor policy. South African forces made savage attacks on the ground and by air deep into the territory of neighboring black states. The South Africans also sponsored native dissident movements that played on tribal divisions to the point of chaos in Mozambique, Angola, Zimbabwe and Lesotho.

Military elements inside the South African regime favored an indefinite dose of that harsh medicine. A slightly more moderate group under Foreign Minister Pik Botha argued in favor of striking deals with the neighboring black states. American diplomacy supported the approach of the foreign minister and helped persuade the prime minister to go for a negotiated settlement.

A main reason the United States enjoyed influence in Pretoria is that the Reagan administration ceased treating South Africa's grossly racist apartheid policy as a barrier to any dealings. The United States developed instead a policy of "constructive engagement." It vetoed a couple of United Nations resolutions that would have imposed sanctions on Pretoria. It congratulated the Botha regime on a constitutional change that eased restrictions on people of mixed blood, though not on blacks. While outspokenly critical of apartheid, Assistant Secretary of State Chester Crocker indicated Washington wanted to help South Africa ease racial tensions. So this country had a hearing when it urged the Botha government to make terms with Mozambique.

An exactly contrary policy had to be turned around in Mozambique. Ever since the mid-'60s black regimes in Africa believed that the ending of white power throughout the continent was written in the stars. The "winds of change" and the "wave of the future," it was said, would slowly force the whites to get out. The point seemed proved in 1980 when white rule collapsed in Rhodesia and blacks took over what has become Zimbabwe.

So black regimes in Africa settled down to a long drawn-out struggle against the racist government of South Africa. Black leaders eschewed ties with Pretoria. They backed groups, notably the African National Congress, dedicated to the "liberation" of South Africa. Rather than accept help from states friendly to South Africa they turned to Russia and her allies. Thus President Machel fastened a Marxist regime on Mozambique. In Angola, the Marxist government came to rely on Cubans for protection against dissidents backed by South Africa.

These regimes were badly weakened by South African terror tactics, and by internal dissidents. On top of that, the 1980–82 recession cut income from raw material exports, and drought made matters worse. Still, Marxist leaders were loath to come to terms with South Africa. There again, U.S. diplomacy played a role in urging talks between black states of the area and Pretoria.

But how come the United States, having done business with Pretoria, carried weight with black leaders? The answer is that American diplomats, under the Reagan administration, did not act as though Marxism was the pitch that defiled. They have dealt extensively with the regime in Angola. Similarly with Machel of Mozambique. Indeed, even after being nudged to the conference table with South Africa, Machel stuck to his Marxist guns. In signing the accord, he spoke anew of the "differences between our social, political and economic concepts."

The agreement between Mozambique and South Africa is basically a non-aggression pact. It provides that both countries keep peace on the frontier and refrain from supporting groups hostile to the other. It can thus be generalized to cover relations between South Africa and all its neighbors.

An indent for a similar deal has already been made—thanks very largely to American influence—between South Africa and Angola. A temporary cease-fire and disengagement are in effect, with mixed teams supervising the agreement. If the accord sticks, Namibia, a territory illegally occupied by South Africa, would gain independence. Angola would invite the Cubans out. South Africa would restrain the UNITA movement of Angolan dissidents under Jonas Savimbi.

Even such an agreement, which now looks to be in prospect, is just another step along the way. The African time bomb will be defused only when a more humane regime is established in South Africa itself. But the steps along the way show the conditions for a constructive American role. This country can be helpful only when it ceases to force on others the human rights standards of the American left and the ideological preferences of the American right.

Mr. Speaker, in preparing to submit the above article by Joseph Kraft, I noticed in the Post's March 22 issue, an article by Helen Suzman, a distinguished and leading liberal in the South African Parliament. Her credentials have never been questioned even by the strongest critics of the South African Government, perhaps, because she has established the reputation of being a very strong critic herself. Her article deals in a measured and reasoned way with the relations between the United States and South Africa. With the hope that all my colleagues who share a concern for this relationship might read it most carefully, it is submitted for placement in the RECORD at this point:

[From the Washington Post, Mar. 22, 1984

WHAT CAN AMERICA DO?

(By Helen Suzman)

CAPE TOWN.—The question I am most frequently asked when I visit the United States is, "What can America do about South Africa?" The answer depends on the motivation that prompted it—whether it was based on moral, punitive or reform aims.

Superpatriots, who abound in South Africa, have no problem in replying to the question, of course. Their answer is that the United States should mind its own business; that it has no right to interfere in South Africa's domestic affairs; that there are double standards, since many countries practice policies such more oppressive than those in South Africa yet escape the strong condemnation meted out to South Africa.

True enough. But a country that claims to have the values of Western democracy must expect to be judged by these criteria. Moreover, the unique brand of race discrimination entrenched in law in South Africa is a convincing justification for double standards. Of course, self-interest, such as U.S. trade with black Africa and the reactions of the black constituency at home, as well as genuine concern for human rights, motivates politicians and others in the United States in their attitudes to South Africa: opposing apartheid provides one of these rare occurrences in politics where expediency coincides with a just cause.

There is a simple appeal in the course of action that advocates disengagement from any form of association with South Africa—be it in trade, investment, academe, the arts or sport—the "clean hands doctrine." This relieves the conscience, but it also dilutes any influence over future events.

Punitive actions can sometimes be counterproductive, such as the mandatory arms embargo imposed on South Africa by the U.N. Security Council in 1977, which led to South Africa's developing a highly efficient arms industry.

In one instance certainly, however, punitive action has resulted in a fundamental change in policy in South Africa. The total ban from all international sports forced South Africa to desegregate sports, not only on the field but also in clubs and facilities for spectators. And to the intense bitterness of white South Africans, there has been no let-up of the sports boycott. The ante has been upped.

Where the demands were originally confined to the removal of apartheid in sports itself—that is, to "normalize" sports—they have been systematically extended to demanding the removal of race discrimination in its entirely, under the slogan "no normal sport in an abnormal society." The Gleneagles Commonwealth agreement prohibiting sport with South Africa remains in force. South Africa's flag will not fly at the Los Angeles Olympics.

The carrot or the stick? Both have been tried by U.S. administrations. The Carter regime used the stick—with minimal results. The Reagan administration is trying the carrot, otherwise known as "constructive engagement," until recently without conspicuous success. At long last, the major prize, an internationally acceptable settlement of the Namibian issue, now seems less elusive. And the U.S. role as honest broker must have played a part in the peace move taking place between South Africa and Angola and South Africa and Mozambique.

"Quiet diplomacy," however, has not deterred Pretoria from its grand apartheid policy. Outside the State Department, other efforts are being mounted in the United States to impel change in South Africa. The divestment campaign has heated up. Several state and city legislatures have adopted or are considering measures to force divestment of U.S. companies conducting business in or with South Africa, either by prohibit-

ing investment of their pension funds or selling their stocks in such companies. But unless such a campaign can be successfully conducted on a universal scale, which is highly unlikely, it is of symbolic significance only.

The recent amendments to the Export Administration Act proposed by Reps. Stephen Solarz, Howard L. Berman and William H. Gray, which were passed by Congress in October 1983, if approved by the House-Senate conference, could be more damaging. If reform is the objective it is not likely to be effective, however. Solarz is reported to have stated that his objective was "to send a strong signal" to the regime in Pretoria. Chances are that the signal will be received with the well-known acknowledgment: "Roger—and out."

The truth is that the capacity of the United States to influence change in South Africa is limited. And this has to be accepted if reform is the objective of those who pose the question, "What can the United States do about South Africa?"

The changes that have taken place in South Africa cannot be attributed either to the carrot or the stick, although international pressures do play a part in accelerating the process. The determining factor has been—and, I am convinced, will continue to be—economic pressure from within South Africa—the steady upward movement into skilled occupations by blacks, eventually giving blacks the muscle with which to make demands for shifts in power and privilege, backed up by the force of black urbanization, which continues inexorably despite government action to stem it.

These are the factors that have induced Pretoria to vote more money for black education and training, to repeal the law that reserved skilled industrial jobs for whites. These are the factors that have forced the South African government to recognize black trade unions and the permanency of blacks in the cities. And although blacks in South Africa react with enthusiasm to all suggestions of punitive action against South Africa, including divestment (which some support because they identify capitalism with apartheid and want the whole system brought down), in fact, if black economic advancement is inadvertently retarded thereby, they will be the ultimate losers.

Despite the limitations that exist, I believe that America has a role to play in South Africa. The United States should certainly make known in no uncertain fashion its disapproval of the more repulsive aspects of apartheid—the forced removal of blacks into poverty-stricken rural areas, pass-law arrests and the more glaring abrogations of civil rights—detention without trial, and banning. It is unthinkable that the most powerful democracy in the world, whose fundamental values are based on the protection of human rights should abdicate its responsibility in this regard.

And the U.S. government should use leverage wherever possible to lend weight to the hope it expressed after the recent referendum in South Africa that the mandate received by the government would be used "to address the problem of the political rights of South Africa's black majority."●

LET US PULL THE PLUG ON PAC-MEN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. OTTINGER. Mr. Speaker, as Members of Congress, we have all witnessed the alarming growth in the number of political action committees over the last decade. As campaign costs continue to skyrocket, more and more of our colleagues are becoming dependent on PAC contributions to finance their reelection efforts. So much so, that today, nearly 70 percent receive PAC contributions.

Mr. Speaker, I feel that the tremendous impact PAC's have on congressional elections is the most insidious influence on American government confronting us today. In many cases, only a very fine line draws the distinction between a legitimate campaign contribution and a bribe. If this great Nation of ours is to continue to follow the ideal of one-person, one-vote, this perilous influence must be stemmed.

I would like to call to the attention of my colleagues, an excellent essay on this subject that appeared recently in the New York Times, written by Philip M. Stern. Mr. Stern is the cochairman of Citizens Against PAC's, a bipartisan coalition dedicated to removing the exorbitant influence of PAC's on American government. I recommend this as required reading for all my colleagues and urge them to support H.R. 4428, the Congressional Campaign Finance Act, introduced by my friend and colleague from Wisconson, DAVID OBEY. While it is not the final solution—only public financing will solve the inherent problems with our present system—this legislation would start to bring about the needed changes in our congressional campaign financing system and help preserve the ideals of representative government.

The essay follows:

[From the New York Times, Mar. 13, 1984]

PRONOUNCE PAC's "POX"

(By Philip M. Stern)

WASHINGTON.—When Congress passed a law in 1974 requiring political candidates to disclose the sources of their campaign money, many citizens rejoiced. At long last, this murky area would be bathed in sunshine; the voters' wisdom would cleanse the system. But the murk remains.

How many voters really know where their elected representatives get their campaign money and to whom they are politically indebted?

How many, say, in Peoria, Ill., are aware that their Congressman, Robert H. Michel, and House Republican leader, got two-thirds of his 1982 campaign money not from his own constituents but from outside political-action committees that have no connection with his district—for example, from the Ocean Spray (cranberry) PAC, based in Plymouth, Mass.; the Long Island Aerospace PAC, of Baldwin, N.Y.; the Antelope Valley PAC, in Palmdale, Calif.

Consider Chicago's Dan Rostenkowski, chairman of the powerful House Ways and Means Committee, safely ensconced in a lopsidedly Democratic district. How many of his constituents know that he began his 1982 campaign with $224,000 in his campaign treasury, yet raised an additional $519,000, more than half of it from PAC's, and ended up with a campaign surplus of nearly half a million dollars, which he can legally transfer to his own bank account when he leaves Congress? (Under law, Congressmen elected after January 1980 may no longer do that.)

How many Knoxville, Tenn., voters know that in 1982, their Representative, John J. Duncan, a Republican, raised $200,000 in campaign funds—57 percent of it from outside PAC's—even though he ran unopposed?

If most voters are in the dark about these practices, that's understandable, for the facts and figures candidates report to the Federal Election Commission, in Washington, are hard to come by back home.

The PAC system corrodes representative democracy. When legislators like Mr. Michel—he is far from unique—get two-thirds of their campaign money from groups that neither live nor vote in their districts, whom do they really represent? Mr. Michel attributes the "wide variety" of his 1982 contributions to the "symbolic importance" of his role as House Republican leader, and says that he has "not reviewed the reports thoroughly enough to know who contributed and who didn't."

Just one month after Representative Mickey Edwards, Republican of Oklahoma, got a $2,500 contribution from the National Automobile Dealers Association, he co-sponsored a measure, strongly favored by the dealers, to kill a rule requiring dealers to tell customers about major defects in used cars they sell. Later, after his vote helped kill the rule, that PAC gave him $2,000 more. But if every person's vote counted equally in Congressmen's reckoning, why would two-thirds of them side with the few auto dealers and against the thousands of auto buyers in their districts? The answer seems to be: To office-holders and candidates hungry for campaign funds, PAC money talks louder than votes.

In Maryland, Representative Roy Dyson, a Democrat, who has no auto plants in his district, got $16,650 in campaign gifts from the United Automobile Workers' PAC. He voted for a bill, strongly backed by the U.A.W., that would save auto workers' jobs in other districts by requiring American-made parts in imported cars. He cast that vote despite Congressional Budget Office warnings that the measure would boost auto prices for all his constituents and would mean a net loss of American jobs.

While Messrs. Duncan, Dyson, Edwards and Rostenkowski failed to respond to inquiries from my organization about their actions, most Congressmen indignantly protest that their votes are not for sale. But that sidesteps the real question: Are, say, Mr. Edwards and Mr. Dyson as free to vote against the wishes of the auto dealers and the U.A.W. as if they had taken none of their money?

Congressmen also deny a cause-and-effect connection between gifts and votes, arguing that the PAC's merely donate to candidates already philosophically attuned to them. Why, then, do one-third of all PAC's give almost entirely to incumbents, despite their widely varying ideologies?

As campaign costs skyrocket, more and more Congressmen become dependent on PAC money. In 1974, only 28 percent of House members got one-third of their money from PAC's outside their districts; today, nearly 70 percent are thus reliant on PAC's. Since only a saint would deny some favored attention to these major contributors, that means shortchanging the many voters who can't afford large—or any—campaign gifts. It hardly adds up to one-person, one-vote democracy.●

VOTE EXPLANATION OF CONGRESSMAN SOLOMON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. SOLOMON. Mr. Speaker, on Thursday, March 29, the House voted on House Resolution 443 (Rollcall No. 59). This resolution provides nearly $500,000 in funding for the newly constituted Select Committee on Hunger. Had I been present at the time the vote occurred on House Resolution 443, I would have voted against the resolution.

The Select Committee on Hunger was created on February 22, 1984, through the passage of House Resolution 15. I voted in favor of the resolution at that time because we were informed that the creation of this new select committee would result in no additional outlays, that no new staff would be required because other existing committees would share staff with the newly formed select committee. Obviously, this is not the case, and this House has once again continued down the path toward an ever-increasing congressional bureaucracy. I regret that I was not present to vote against the funding resolution, and I regret that I relied upon the representations made during the debate on House Resolution 15. I should have known better than to believe this House would pass up the opportunity to create yet another committee fiefdom.●

RECORD FEDERAL DEFICITS, RISING INTEREST RATES, EMPLOYMENT, CRIME, AND U.S. ROLE IN WORLD—GREATEST CONCERN OF THE PEOPLE OF THE EIGHTH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1984

● Mr. ROE. Mr. Speaker, our Nation's current record-high Federal deficit, which may total $220 billion this year, is a matter of great concern to all Americans. There is a great fear throughout the land that those deficits will spur a new round of inflation to erode our paychecks and bring a halt to any hopes for a sustained economic recovery.

The danger of continued record Federal deficits is very much on the minds of the residents of the Eighth Congressional District of New Jersey. The results of my recent congressional legislative questionnaire show that an overwhelming 92 percent of those responding see Federal deficit spending as the most critical economic problem facing our Nation.

The administration's staggering request for $1.9 trillion over the next 5 years for military programs was strongly viewed as a key culprit in the deficit spending by more than 85 percent of the respondents.

Mr. Speaker, the people of the Eighth District of New Jersey are willing to do their part to reduce the Federal deficit. They have shown the determination and willingness to "bite the bullet" to help America bring the deficit situation under control.

Some 69 percent of those answering the questionnaire stated they supported the passage of a constitutional amendment requiring Congress to pass a balanced Federal budget.

Mr. Speaker, like my constituents, I believe it is essential we adopt balanced budgets in order to safeguard our Nation's economic health. It is for that reason that I have consistently supported and voted in favor of the budget resolutions that were based upon realistic economic assumptions. During the last Congress I voted in favor of a balanced budget amendment to the Constitution. As we are all aware, it is the White House that submits the budget to Congress. While there is nothing in the law now to prevent the White House from submitting a balanced budget to Congress for consideration, this has not been the case. In fact, the fiscal year 1985 budget submitted by the White House contained more than $180 billion in deficit spending.

The people of the Eighth Congressional District of New Jersey are deeply concerned about other key areas affecting the economic viability of our Nation. The questionnaire's results showed that 89 percent of the respondents were very concerned over continuing high unemployment rates, while 82 percent shared worries over new rounds of inflation and high interest rates.

Mr. Speaker, the people of my congressional district have spoken out loud and clear about their concern for cleaning up the environment of our Nation. They emphatically stated, by an overwhelming 91 percent response to the questionnaire, of the need for priority funds to clean up our air and water pollution. They expressed strong dissatisfaction with the fact that only $4 billion of the nearly $900 billion Federal budget had been allocated to clean up the environment.

In the area of foreign affairs, the residents of my congressional district believe it is time for our allies to play a greater role in world matters. More than 90 percent of the respondents believe the White House should insist that our allies in Europe and around the world bear more of the cost of our mutual defense programs.

There is also strong support, with 67 percent responding affirmatively, for President Reagan's approach of placing new nuclear weapons in Western Europe as a method of forcing the Soviet Union to deal more seriously with arms control. The questionnaire also shows mixed feelings over our Nation's response to the downing of a Korean civilian airliner by the Russians. Some 55 percent felt the response was not strong enough, while 40 percent felt our reaction was adequate.

Mr. Speaker, the question of what to do about crime in the streets remains a great concern to the people of my congressional district. The past several years have witnessed the growth of a tough anticrime sentiment in New Jersey and around the Nation. That trend continued in my most recent questionnaire. In a question concerning the use of handguns, some 91 percent responded they would support stricter penalties for persons who use a firearm to commit a felony, over and above the penalty for the felony itself.

It is my firm belief that the congressional legislative questionnaire is a valuable constituent participation in determining the beliefs, attitudes, and desires of the people of our district, State, and Nation. I would like to offer my deepest thanks to the people of the Eighth Congressional District of New Jersey for their excellent response to my questionnaire. A full tabulation of the response I received to my questionnarie follows:

CONGRESSMAN ROE'S 8TH DISTRICT QUESTIONNAIRE

(Note.—Many district voters did not answer all items in the questionnaire and also those who voted "undecided" are not included in the percentiles of the answers.)

1. Do you favor the continued use of United States military forces in Lebanon to serve as part of an international peace keeping force there?—Yes 56; no 39.

2. The world was shocked by the downing of Korean Air Lines flight 007 by the Soviet Union, which resulted in the death of the plane's 269 passengers. Do you believe that the United States' response to that incident was strong enough?—Yes 40; no 55.

3. In light of the record high federal deficits forecast for the next several years, would you support a Constitutional Amendment requiring Congress to pass a balanced federal budget?—Yes 69; no 26.

4. The Reagan Administration wants to decontrol all natural gas by 1986, saying it will lead to increased supplies and reduced prices. Many others argue that supplies will fall and prices will rise if controls are lifted.

Do you think decontrol of natural gas is a good idea?—Yes 40; no 52.

5. The United States and the Soviet Union are holding meetings in Geneva to discuss reducing nuclear weapons. Do you favor President Reagan's approach of placing new nuclear weapons in Western Europe as a method of forcing the Russians to deal seriously about arms control?—Yes 67; no 29.

6. Do you believe that the White House should insist that our allies in Europe and around the world bear more of the cost of our mutual defense programs?—Yes 91; no 6.

7. Do you support stricter penalties for persons who use a firearm to commit a felony, over and above the penalty for the felony itself?—Yes 91; no 5.

8. How high a priority would you put on cleaning up the nation's air and water in the federal budget? The current federal budget contains $854 billion of which only $4 billion has been allocated for clean air and water efforts. Do you believe that environmental matters should have:

(a) A greater share of the budget?—Yes 91.

(b) A lesser share?—Yes 59.

(c) About the same share as now?—Yes 83.

9. Should the federal deficit be reduced by:

(a) Raising taxes?—Yes 70.

(b) Cutting defense spending?—Yes 85.

(c) Cutting non-defense spending such as entitlement programs, loan guarantees and discretionary programs?—Yes 89.

10. What do you see as the most critical economic problem facing our nation:

(a) Federal deficit spending?—Yes 92.

(b) Taxes?—Yes 77.

(c) Inflation?—Yes 82.

(d) High interest rates?—82.

(e) Unemployment?—89.

(f) Other—Yes 64.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 3, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 4

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.

SD-116

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.

S-146, Capitol

Governmental Affairs

Information Management and Regulatory Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for child nutrition programs.

SR-328A

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.

SD-138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Finance

Estate and Gift Taxation Subcommittee

Taxation and Debt Management Subcommittee

To hold joint hearings on proposed legislation to overrule the Supreme Court's decision in Dickman against Commissioner of Internal Revenue, relating to certain interest-free demand loans.

SD-215

Foreign Relations

To hold hearings on Senate Resolution 329, expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear-risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SD-419

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for the National Science Foundation.

SD-430

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act Public Law 89-73).

S-224, Capitol

Joint Economic

To hold hearings to examine certain implications on whether the American economy is becoming more service industry oriented.

SD-562

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Foreign Relations

To hold hearings on the U.N. Convention on Contracts for the International Sale of Goods (Treaty Doc. 98-9).

SD-419

Labor and Human Resources

Labor Subcommittee

To hold hearings to review the termination of overfunded defined benefit pension plans and reversion of assets to plan sponsors.

SD-430

APRIL 5

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.

SD-116

Energy and Natural Resources

Energy Research and Development Subcommittee

To resume oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs, and for the inertial confinement fusion program of the Department of Energy.

SD-366

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 1842 and H.R. 3903, bills to develop and implement a coordinated agricultural program in the Colorado River Basin.
SR-328A

Armed Services
Sea Power and Force Projection Subcommittee
To resume open and closed hearings on S. 2414, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense, focusing on naval seapower and procurement programs.
SR-232A

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on certain tax aspects of oil company mergers.
SD-215

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City Loan Program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2499, authorizing funds for fiscal year 1985 for certain programs of the Maritime Administration, Department of Transportation.
SR-253

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of natural gas prices on farmers and small businesses.
SR-428A

11:00 a.m.
Energy and Natural Resources
To resume oversight hearings to review the report and recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Foreign Relations
To hold hearings on the nominations of Edward N. Ney, of New York, to be a member of the board for International Broadcasting, Gerald P. Carmen, of New Hampshire, to be the Representative of the United States to the European office of the United Nations, and Leslie Lenkowsky, of New York, to be Deputy Director of the U.S. Information Agency.
SD-419

Select on Intelligence
Budget Subcommittee
Closed business meeting, to consider proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

APRIL 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve System's pricing policies.
SD-538

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

Joint Economic
To hold hearings on the employment/unemployment situation for March.
SD-106

9:45 a.m.
*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2125, proposed Arkansas Wilderness Act of 1983.
SD-366

Small Business
To hold hearings on S. 2489, proposed Small Business Competition Enhancement Act, and S. 2434, to require the assignment of breakout procurement representatives at major procuring installations.
SR-428A

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of magnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Customs Service, Department of the Treasury.
SD-192

Energy and Natural Resources
To hold hearings on certain provisions of S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-366

Select on Indian Affairs
To hold hearings on S. 2201, to convey certain lands in Arizona to the Zuni Indian Tribe; to be followed by a business meeting, to consider pending calendar business.
SR-428A

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses, and for the Prospective Payment Assessment Commission.
SD-116

Joint Economic
To resume hearings to examine the impact of the increase in the number of American women entering the work force in the last three decades.
2203 Rayburn Building

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

Environment and Public Works
Transportation Subcommittee
Business meeting, to consider proposed legislation authorizing funds for the Federal aid highway program of the Department of Transportation.
SD-406

Select on Intelligence
Closed business meeting, to consider proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

1:30 p.m.
*Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on toxicity testing of certain chemicals.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for conservation and energy renewable programs of the Department of Energy.
SD-366

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on U.S. Coast Guard polar ice breaking operations.
SR-253

Environment and Public Works
To hold hearings on proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-406

Foreign Relations
To hold hearings on the following treaties: Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect of Taxes on Income (Ex. Q, 96-2), Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes and Estates, Inheritances, Gifts and Certain Other Transfers (Treaty Doc. 98-6), Protocol, together with an exchange of letters, Amending the Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (Treaty Doc. 98-12), Convention with Canada with Respect to Taxes on Income and Capital, with a related exchange of notes (Ex. T, 96-2), Protocol Amending the 1980 Convention with Canada with Respect to Taxes on Income and Capital (Treaty Doc. 98-7), and Convention with Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances and Gifts (Treaty Doc. 98-11).
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the efficiency and effectiveness of the United States in working with the NATO nations and Japan in drafting and executing export controls on high technology shipments to the Soviet Union and Soviet bloc, and to examine the enforcement of the Export Administration Act.
SD-342

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the Corporation, including political activity.
SD-430

Veterans' Affairs
To hold hearings on S. 2269 and S. 2514, bills to clarify and improve certain veterans' health-care programs and services, S. 2210, to revise and clarify the eligibility of certain disabled veterans for automobile adaptive equipment, S. 2278, to make permanent the Veterans' Administration's program to treat veterans who suffer from alcohol or drug dependencies.
SR-418

Joint Economic
To resume hearings to examine certain implications on whether the American economy is becoming more service industry oriented.
SR-385

10:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Governmental Affairs
To hold hearings on S. 1746, to allow the Federal Government to freely procure certain goods and services from the private sector.
SD-342

Rules and Administration
To hold hearings on S. 2418, to provide for the construction of the Library of Congress Mass Book Deacidification Facility.
SR-301

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on the Federal Aviation Administration's scatter plan to disburse airplanes departing National Airport over a larger geographical area.
SR-325

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

Small Business
To resume hearings on S. 2489, proposed Small Business Competition Enhancement Act, and S. 2434, to require the assignment of breakout procurement representatives at major procuring installations.
SR-428A

Joint Economic
To hold hearings on health issues as they relate to the Gross National Product.
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army

modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the strategic petroleum reserve, and the naval petroleum reserves.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act, and the Adult Education Act.
SD-430

APRIL 23

1:30 p.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to examine the impact of occupational disease.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Armed Services
Sea Power and Force Projection Subcommittee
To hold open and closed hearings to discuss strategic cooperation between the United States and Israel.
SR-232A

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Environment and Public Works
Business meeting, to consider proposed legislation authorizing funds for the Federal aid highway program of the Department of Transportation.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1816, to require the labeling of textile fiber and wool products as to country of manufacture.
SR-253

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on S. 1858, making a technical correction to the legislative veto provisions of the Self-Government and Governmental Reorganization Act of 1973 (Home Rule Act).
SR-385

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume oversight hearings on the Federal food stamp program, and the Child Nutrition Act (Public Law 89-642).
SR-232A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To resume hearings on proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-406

Governmental Affairs
To hold hearings in compliance with section 2401(g) of title 39, United States Code, which requires the Postal Service to submit to Congress a comprehensive statement on the status of the Postal Service.
SD-628

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-562

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the national ocean policy study on proposed legislation authorizing funds for programs of the Marine Mammal Protection Act.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138

Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Energy and Natural Resources
*Energy Regulation Subcommittee
To hold oversight hearings on the status of North American natural gas reserves and resources.
SD-366

APRIL 30

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings to examine the impact of occupational disease.
SD-430

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Acid Precipitation Act of 1980 (set forth in subtitle A of

title VII of the Energy Security Act (Public Law 96-294)).
SD-366

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

*Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Environment and Public Works
To hold hearings on legislative proposals which authorize funds for those programs which fall within the juridiction of the committee.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the U.S. Forest Service, Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

MAY 2

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Public Buildings Service, General Services Administration.
SD-406

Veterans' Affairs
To hold hearings to review veterans' compensation programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Environment and Public Works
To resume hearings on legislative proposals which authorize funds for those programs which fall within the jurisdiction of the committee.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for the Head Start program.
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (Family Planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
Business meeting, to mark up a committee resolution to authorize certain construction projects of the Veterans' Administration contained in the administration's budget for fiscal year 1985.
SR-418

MAY 10

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the impact of drugs on crime.
SD-430

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to em-

ployer withdrawal liability, asset sales, and funding.
SD-124

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

MAY 16

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To resume hearings on proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-406

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-226

JUNE 6

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation.
SR-418

SEPTEMBER 18

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

APRIL 3

9:30 a.m.
Small Business
To hold hearings on S. 2084, to provide for the Small Business Administration to make loans to small businesses whose primary concern is communication of ideas.
SR-428A

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

APRIL 4

10:00 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1990, to clarify the circumstances under which a trademark may be canceled or abandoned.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 6

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings on North American gas reserves and resources.
SD-366

APRIL 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

MAY 1

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430